



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

April 20, 2016

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7015 1520 0002 0019 2328

**In Reply Refer to:**

EPA File No.: 07X-16-R10

**(b) (6) Privacy**

Tracy, California 95377

**Re: Administrative Correspondence**

Dear **(b) (6) Privacy**

This letter is to inform you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is in receipt and has reviewed the email correspondence you submitted on February 21, March 2, March 9, June 18, and December 9, 2015. After careful consideration, the OCR has concluded that it cannot accept the correspondence for investigation as a complaint because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations.

Pursuant to the EPA's nondiscrimination administrative regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate agency. (See 40 Code of Federal Regulations (C.F.R.) § 7.120(d)(1)). For a complaint to be accepted for investigation, it must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. (See 40 C.F.R. § 7.120(b)(1)). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. (See 40 C.F.R. § 7.120(b)(2)). Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. (See 40 C.F.R. § 7.15). For your reference, a copy of the EPA's nondiscrimination regulations is enclosed.

Your correspondence included emails between you and the Shorewood Heights management concerning various issues you experienced while living in your apartment. The emails included descriptions of issues with plumbing, relocation within the building, potential mold and structural impacts, water quality, and with the ceiling and roof in your apartment. Generally, your correspondence shows that you contacted the Shorewood Heights management on multiple occasions throughout the year for them to resolve these

issues. Based on the information that we received it appears that you have since moved from the residence as of December 15, 2015.

Although your correspondence outlines issues directed towards the Shorewood Heights management it is not clear whether your intention is to file a discrimination complaint with EPA's Office of Civil Rights. Specifically, the correspondence does not clearly describe an alleged discriminatory act. In addition, Shorewood Heights is not an applicant for, or a recipient of, EPA financial assistance. Accordingly, the EPA lacks jurisdiction over this matter and your correspondence cannot be accepted as a complaint for investigation.

If you have questions regarding the OCR's decision, please contact Brittany Martinez of the OCR's External Compliance Program, at (202) 564-0727, via electronic mail at [martinez.brittany@epa.gov](mailto:martinez.brittany@epa.gov), or by mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460-1000.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office

Michelle Pirzadeh  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 10





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**Return Receipt Requested**

Certified Mail# 7004 1160 0002 3622 6840

**In Reply Refer to:**

EPA File No 01R-15-R4 OFFICE OF  
CIVIL RIGHTS

**(b) (6) Privacy**

Harvest, Alabama 35749

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your correspondence on January 5, 2015, concerning Limestone Correctional Facility, which is operated by the Alabama Department of Corrections (ADOC). Your correspondence, which EPA/OCR construes as a complaint, contains allegations that the employees are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.*, by allowing inmates to smoke hand-rolled cigarettes. Because OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7, we processed your correspondence as a Title VI complaint. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving or applying for Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of complaints to determine whether to accept, reject or refer them. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

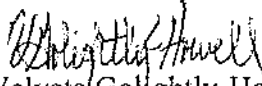
After careful review, OCR is rejecting your complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, Limestone Correctional Facility is not an applicant for, nor recipient of,

EPA financial assistance. Second, allegations must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations. You do not claim discrimination based on your race, color, national origin, sex, age, or disability status. Therefore, your complaint does not fall within EPA/OCR jurisdiction, and OCR must reject it for investigation.

It appears, however, that the allegations raised in your complaint may fall within the jurisdiction of the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs. Therefore, the EPA/OCR is referring it to the DOJ for appropriate action. A copy of the letter to DOJ is enclosed. The contact person at the DOJ is Michael Alston, U.S. Department of Justice, 810 Seventh Street, N.W., Washington D.C., 20531 at (202) 354-4380, or [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).

If you have any questions about EPA's decision to refer the matter to DOJ, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, [wooden-aguilar.Helena@epa.gov](mailto:wooden-aguilar.Helena@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

  
Velveta Gollightly-Howell  
Director

Enclosures (2)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken LaPierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

**Return Receipt Requested**

Certified Mail# 7004 1160 0002 3622 6864

**In Reply Refer to:**

EPA File No 01R-15-R4 OFFICE OF  
CIVIL RIGHTS

Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs,  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring correspondence received on January 5, 2015 from an inmate (Complainant) in Limestone Correctional Facility. The EPA/OCR treated the correspondence as a Title VI complaint. Complainant alleged that the Alabama Correctional Facility employees at Limestone Correctional Facility are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since Limestone Correctional Facility is not an applicant for, nor recipient of, EPA financial assistance and Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations, his complaint does not fall within the EPA/OCR's jurisdiction, and the EPA must reject it for investigation.

However, because the U.S. Department of Justice (DOJ) may have subject-matter jurisdiction over the allegations presented in the subject complaint, the EPA/OCR is referring it to the DOJ for appropriate action. We have notified the Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The document is enclosed.

If you have any questions, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, Wooden-Aguilar.Helena@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,

Velveta Golightly-Howell  
Director

Enclosures (1)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)

**(b) (6) Privacy**

Harvest, Alabama 35749

# **PART 7—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVI- RONMENTAL PROTECTION AGENCY**

## **Subpart A—General**

- Sec.
- 7.10 Purpose of this part.
- 7.15 Applicability.
- 7.20 Responsible agency officers.
- 7.25 Definitions.

## **Subpart B—Discrimination Prohibited on the Basis of Race, Color, National Ori- gin or Sex**

- 7.30 General prohibition.
- 7.35 Specific prohibitions.

## **Subpart C—Discrimination Prohibited on the Basis of Handicap**

- 7.45 General prohibition.
- 7.50 Specific prohibitions against discrimination.
- 7.55 Separate or different programs.
- 7.60 Prohibitions and requirements relating to employ-  
ment.
- 7.65 Accessibility.
- 7.70 New construction.
- 7.75 Transition plan.

## **Subpart D—Requirements for Applicants and Recipients**

- 7.80 Applicants.
- 7.85 Recipients.
- 7.90 Grievance procedures.
- 7.95 Notice of nondiscrimination.
- 7.100 Intimidation and retaliation prohibited.

## **Subpart E—Agency Compliance Procedures**

- 7.105 General policy.
- 7.110 Preaward compliance.
- 7.115 Postaward compliance.<sup>1</sup>
- 7.120 Complaint investigations.
- 7.125 Coordination with other agencies.
- 7.130 Actions available to EPA to obtain compliance.
- 7.135 Procedure for regaining eligibility.

## **APPENDIX A TO PART 7—EPA ASSISTANCE PROGRAMS AS LISTED IN THE "CATALOG OF FEDERAL DOMES- TIC ASSISTANCE"**

**AUTHORITY:** 42 U.S.C. 2000d to 2000d-4; 29 U.S.C.  
794; 33 U.S.C. 1251 et.

**SOURCE:** 49 FR 1659, Jan. 12, 1984, unless otherwise  
noted.

## **Subpart A—General**

### **§ 7.10 Purpose of this part.**

This part implements: Title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; and section 13 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, (collectively, the Acts).

### **§ 7.15 Applicability.**

This part applies to all applicants for, and recipients of, EPA assistance in the operation of programs or activities receiving such assistance beginning February 13, 1984. New construction (§ 7.70) for which design was initiated prior to February 13, 1984, shall comply with the accessibility requirements in the Department of Health, Education and Welfare (now the Department of Health and Human Services) nondiscrimination regulation, 45 CFR 84.23, issued June 3, 1977, or with equivalent standards that ensure the facility is readily accessible to and usable by handicapped persons. Such assistance includes but is not limited to that which is listed in the *Catalogue of Federal Domestic Assistance* under the 66.000 series. It supersedes the provisions of former 40 CFR parts 7 and 12.

### **§ 7.20 Responsible agency officers.**

(a) The EPA Office of Civil Rights (OCR) is responsible for developing and administering EPA's compliance programs under the Acts.

(b) EPA's Project Officers will, to the extent possible, be available to explain to each recipient its obligations under this part and to provide recipients with technical assistance or guidance upon request.

### **§ 7.25 Definitions.**

As used in this part:

*Administrator* means the Administrator of EPA. It includes any other agency official authorized to act on his or her behalf, unless explicitly stated otherwise.

*Alcohol abuse* means any misuse of alcohol which demonstrably interferes with a person's health, interpersonal relations or working ability.

*Applicant* means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance (see definition for *EPA assistance*).

*Assistant Attorney General* is the head of the Civil Rights Division, U.S. Department of Justice.

*Award Official* means the EPA official with the authority to approve and execute assistance agreements and to take other assistance related actions



## § 7.25

authorized by this part and by other EPA regulations or delegation of authority.

*Drug abuse* means:

(a) The use of any drug or substance listed by the Department of Justice in 21 CFR 1308.11, under authority of the Controlled Substances Act, 21 U.S.C. 801, as a controlled substance unavailable for prescription because:

- (1) The drug or substance has a high potential for abuse,
- (2) The drug or other substance has no currently accepted medical use in treatment in the United States, or
- (3) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

*Note:* Examples of drugs under paragraph (a)(1) of this section include certain opiates and opiate derivatives (e.g., heroin) and hallucinogenic substances (e.g., marijuana, mescaline, peyote) and depressants (e.g., methaqualone). Examples of (a)(2) include opium, coca leaves, methadone, amphetamines and barbiturates.

(b) The misuse of any drug or substance listed by the Department of Justice in 21 CFR 1308.12-1308.15 under authority of the Controlled Substances Act as a controlled substance available for prescription.

*EPA* means the United States Environmental Protection Agency.

*EPA assistance* means any grant or cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which EPA provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of personnel; or
- (3) Real or personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if EPA's share of its fair market value is not returned to EPA.

*Facility* means all, or any part of, or any interests in structures, equipment, roads, walks, parking lots, or other real or personal property.

*Handicapped person:*

(a) *Handicapped person* means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. For purposes of employment, the term *handicapped person* does not include any person who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose

employment, by reason of such current drug or alcohol abuse, would constitute a direct threat to property or the safety of others.

(b) As used in this paragraph, the phrase:

(1) *Physical or mental impairment* means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; and (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means:

- (i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- (ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- (iii) Has none of the impairments defined above but is treated by a recipient as having such an impairment.

*Office of Civil Rights* or OCR means the Director of the Office of Civil Rights, EPA Headquarters or his/her designated representative.

*Project Officer* means the EPA official designated in the assistance agreement (as defined in *EPA assistance*) as EPA's program contact with the recipient; Project Officers are responsible for monitoring the project.

*Qualified handicapped person* means:

(a) With respect to employment: A handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

(b) With respect to services: A handicapped person who meets the essential eligibility requirements for the receipt of such services.

*Racial classifications:*<sup>1</sup>

<sup>1</sup> Additional subcategories based on national origin or primary language spoken may be used where appropriate on either a national or a regional basis. Subparagraphs (a) through (c) are in conformity with Directive 15 of the Office of Federal Statistical Policy and Standards, whose function is now in the Office of Information and Regulatory Affairs, Office of Management and Budget. Should

(a) *American Indian or Alaskan native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(b) *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(c) *Black and not of Hispanic origin.* A person having origins in any of the black racial groups of Africa.

(d) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

(e) *White, not of Hispanic origin.* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

*Recipient* means, for the purposes of this regulation, any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

*Section 13* refers to section 13 of the Federal Water Pollution Control Act Amendments of 1972.

*United States* includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States; the term *State* includes any one of the foregoing.

## Subpart B--Discrimination Prohibited on the Basis of Race, Color, National Origin or Sex

### § 7.30 General prohibition.

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving EPA assistance on the basis of race, color, national origin, or on the basis of sex in any program or activity receiving EPA assistance under the Federal Water Pollution Control Act, as amended, including the Environmental Financing Act of 1972.

that office, or any successor office, change or otherwise amend the categories listed in Directive 15, the categories in this paragraph shall be interpreted to conform with any such changes or amendments.

### § 7.35 Specific prohibitions.

(a) As to any program or activity receiving EPA assistance, a recipient shall not directly or through contractual, licensing, or other arrangements on the basis of race, color, national origin or, if applicable, sex:

(1) Deny a person any service, aid or other benefit of the program;

(2) Provide a person any service, aid or other benefit that is different, or is provided differently from that provided to others under the program;

(3) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid, or benefit provided by the program;

(4) Subject a person to segregation in any manner or separate treatment in any way related to receiving services or benefits under the program;

(5) Deny a person or any group of persons the opportunity to participate as members of any planning or advisory body which is an integral part of the program, such as a local sanitation board or sewer authority;

(6) Discriminate in employment on the basis of sex in any program subject to section 13, or on the basis of race, color, or national origin in any program whose purpose is to create employment; or, by means of employment discrimination, deny intended beneficiaries the benefits of the EPA assistance program, or subject the beneficiaries to prohibited discrimination.

(7) In administering a program or activity receiving Federal financial assistance in which the recipient has previously discriminated on the basis of race, color, sex, or national origin, the recipient shall take affirmative action to provide remedies to those who have been injured by the discrimination.

(b) A recipient shall not use criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, or sex.

(c) A recipient shall not choose a site or location of a facility that has the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies on the grounds of race, color, or national origin or sex; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this subpart.

(d) The specific prohibitions of discrimination enumerated above do not limit the general prohibition of § 7.30.

## § 7.45

### Subpart C—Discrimination Prohibited on the Basis of Handicap

#### § 7.45 General prohibition.

No qualified handicapped person shall solely on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving EPA assistance.

#### § 7.50 Specific prohibitions against discrimination.

(a) A recipient, in providing any aid, benefit or service under any program or activity receiving EPA assistance shall not, on the basis of handicap, directly or through contractual, licensing, or other arrangement:

(1) Deny a qualified handicapped person any service, aid or other benefit of a federally assisted program;

(2) Provide different or separate aids, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless the action is necessary to provide qualified handicapped persons with aids, benefits, or services that are as effective as those provided to others;

(3) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an entity that discriminates on the basis of handicap in providing aids, benefits, or services to beneficiaries of the recipient's program;

(4) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(5) Limit a qualified handicapped person in any other way in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit or service from the program.

(b) A recipient may not, in determining the site or location of a facility, make selections: (1) That have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from EPA assistance or (2) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity receiving EPA assistance with respect to handicapped persons.

(c) A recipient shall not use criteria or methods of administering any program or activity receiving EPA assistance which have the effect of subjecting individuals to discrimination because of their handicap, or have the effect of defeating or substantially impairing accomplishment of the objectives

of such program or activity with respect to handicapped persons.

(d) Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

(e) The exclusion of non-handicapped persons or specified classes of handicapped persons from programs limited by Federal statute or Executive Order to handicapped persons or a different class of handicapped persons is not prohibited by this subpart.

#### § 7.55 Separate or different programs.

Recipients shall not deny a qualified handicapped person an opportunity equal to that afforded others to participate in or benefit from the aid, benefit, or service in the program receiving EPA assistance. Recipients shall administer programs in the most integrated setting appropriate to the needs of qualified handicapped persons.

#### § 7.60 Prohibitions and requirements relating to employment.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal assistance.

(b) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur, and shall not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for trainings, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; or



(9) Any other term, condition, or privilege of employment.

(d) A recipient shall not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(e) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(f) A recipient shall not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

(g) A recipient shall not conduct a preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except as permitted by the Department of Justice in 28 CFR 42.513.

#### § 7.65 Accessibility.

(a) *General.* A recipient shall operate each program or activity receiving EPA assistance so that such program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not:

(1) Necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.

(2) Require a recipient to take any action that the recipient can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. If an action would result in such an alteration or such financial and administrative burdens, the recipient shall be required to take any other action that would not result in such an alteration or financial and administrative burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity receiving EPA assistance.

(b) *Methods of making existing programs accessible.* A recipient may comply with the accessibility requirements of this section by making structural changes, redesigning equipment, reassigning services to accessible buildings, assigning aides to beneficiaries, or any other means that make its program or activity accessible to handicapped persons.

In choosing among alternatives, a recipient must give priority to methods that offer program benefits to handicapped persons in the most integrated setting appropriate.

(c) *Deadlines.* (1) Except where structural changes in facilities are necessary, recipients must adhere to the provisions of this section within 60 days after the effective date of this part.

(2) Recipients having an existing facility which does require alterations in order to make a program or activity accessible must prepare a transition plan in accordance with § 7.75 within six months from the effective date of this part. The recipient must complete the changes as soon as possible, but not later than three years from date of award.

(d) *Notice of accessibility.* The recipient must make sure that interested persons, including those with impaired vision or hearing, can find out about the existence and location of the assisted program services, activities, and facilities that are accessible to and usable by handicapped persons.

(e) *Structural and financial feasibility.* This section does not require structural alterations to existing facilities if making such alterations would not be structurally or financially feasible. An alteration is not structurally feasible when it has little likelihood of being accomplished without removing or altering a load-bearing structural member. Financial feasibility shall take into account the degree to which the alteration work is to be assisted by EPA assistance, the cost limitations of the program under which such assistance is provided, and the relative cost of accomplishing such alterations in manners consistent and inconsistent with accessibility.

#### § 7.70 New construction.

(a) *General.* New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(b) *Conformance with Uniform Federal Accessibility Standards.* (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (USAF) (appendix A to 41 CFR subpart 101-19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(4) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical

## § 7.75

rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

[49 FR 1659, Jan. 12, 1984, as amended at 55 FR 52138, 52142, Dec. 19, 1990]

### § 7.75 Transition plan.

If structural changes to facilities are necessary to make the program accessible to handicapped persons, a recipient must prepare a transition plan.

(a) *Requirements.* The transition plan must set forth the steps needed to complete the structural changes required and must be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. At a minimum, the transition plan must:

(1) Identify the physical obstacles in the recipient's facilities that limit handicapped persons' access to its program or activity.

(2) Describe in detail what the recipient will do to make the facilities accessible.

(3) Specify the schedule for the steps needed to achieve full program accessibility, and include a year-by-year timetable if the process will take more than one year.

(4) Indicate the person responsible for carrying out the plan.

(b) *Availability.* Recipients shall make available a copy of the transition plan to the OCR upon request and to the public for inspection at either the site of the project or at the recipient's main office.

## Subpart D—Requirements for Applicants and Recipients

### § 7.80 Applicants.

(a) *Assurances.*—(i) *General.* Applicants for EPA assistance shall submit an assurance with their applications stating that, with respect to their programs or activities that receive EPA assistance, they will comply with the requirements of this part. Applicants must also submit any other information that the OCR determines is necessary for preaward review. The applicant's acceptance of EPA assistance is an acceptance of the obligation of this assurance and this part.

(2) *Duration of assurance.*—(i) *Real property.* When EPA awards assistance in the form of real property, or assistance to acquire real property, or structures on the property, the assurance will obligate the recipient, or transferee, during the period

the real property or structures are used for the purpose for which EPA assistance is extended, or for another purpose in which similar services or benefits are provided. The transfer instrument shall contain a covenant running with the land which assures nondiscrimination. Where applicable, the covenant shall also retain a right of reverter which will permit EPA to recover the property if the covenant is ever broken.

(ii) *Personal property.* When EPA provides assistance in the form of personal property, the assurance will obligate the recipient for so long as it continues to own or possess the property.

(iii) *Other forms of assistance.* In all other cases, the assurance will obligate the recipient for as long as EPA assistance is extended.

(b) *Wastewater treatment project.* EPA Form 4700-4 shall also be submitted with applications for assistance under Title II of the Federal Water Pollution Control Act.

(c) *Compliance information.* Each applicant for EPA assistance shall submit regarding the program or activity that would receive EPA assistance:

(1) Notice of any lawsuit pending against the applicant alleging discrimination on the basis of race, color, sex, handicap, or national origin;

(2) A brief description of any applications pending to other federal agencies for assistance, and of Federal assistance being provided at the time of the application; and

(3) A statement describing any civil rights compliance reviews regarding the applicant conducted during the two-year period before the application, and information concerning the agency or organization performing the reviews.

(Approved by the Office of Management and Budget under control number 2000-0006)

### § 7.85 Recipients.

(a) *Compliance information.* Each recipient shall collect, maintain, and on request of the OCR, provide the following information to show compliance with this part:

(1) A brief description of any lawsuits pending against the recipient that allege discrimination which this part prohibits;

(2) Racial/ethnic, national origin, sex and handicap data, or EPA Form 4700-4 information submitted with its application;

(3) A log of discrimination complaints which identifies the complaint, the date it was filed, the date the recipient's investigation was completed, the disposition, and the date of disposition; and

(4) Reports of any compliance reviews conducted by any other agencies.

(b) *Additional compliance information.* If necessary, the OCR may require recipients to submit data and information specific to certain programs to determine compliance where there is reason to

believe that discrimination may exist in a program or activity receiving EPA assistance or to investigate a complaint alleging discrimination in a program or activity receiving EPA assistance. Requests shall be limited to data and information which is relevant to determining compliance and shall be accompanied by a written statement summarizing the complaint or setting forth the basis for the belief that discrimination may exist.

(c) *Self-evaluation.* Each recipient must conduct a self-evaluation of its administrative policies and practices, to consider whether such policies and practices may involve handicap discrimination prohibited by this part. When conducting the self-evaluation, the recipient shall consult with interested and involved persons including handicapped persons or organizations representing handicapped persons. The evaluation shall be completed within 18 months after the effective date of this part.

(d) *Preparing compliance information.* In preparing compliance information, a recipient must:

(1) [Reserved]

(2) Use the racial classifications set forth in § 7.25 in determining categories of race, color or national origin.

(e) *Maintaining compliance information.* Recipients must keep records for paragraphs (a) and (b) of this section for three (3) years after completing the project. When any complaint or other action for alleged failure to comply with this part is brought before the three-year period ends, the recipient shall keep records until the complaint is resolved.

(f) *Accessibility to compliance information.* A recipient shall:

(1) Give the OCR access during normal business hours to its books, records, accounts and other sources of information, including its facilities, as may be pertinent to ascertain compliance with this part;

(2) Make compliance information available to the public upon request; and

(3) Assist in obtaining other required information that is in the possession of other agencies, institutions, or persons not under the recipient's control. If such party refuses to release that information, the recipient shall inform the OCR and explain its efforts to obtain the information.

(g) *Coordination of compliance effort.* If the recipient employs fifteen (15) or more employees, it shall designate at least one person to coordinate its efforts to comply with its obligations under this part.

(Approved by the Office of Management and Budget under control number 2000-0006)

## § 7.90 Grievance procedures.

(a) *Requirements.* Each recipient shall adopt grievance procedures that assure the prompt and

fair resolution of complaints which allege violation of this part.

(b) *Exception.* Recipients with fewer than fifteen (15) full-time employees need not comply with this section unless the OCR finds a violation of this part or determines that creating a grievance procedure will not significantly impair the recipient's ability to provide benefits or services.

## § 7.95 Notice of nondiscrimination.

(a) *Requirements.* A recipient shall provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, or handicap in a program or activity receiving EPA assistance or, in programs covered by section 13, on the basis of sex. Methods of notice must accommodate those with impaired vision or hearing. At a minimum, this notice must be posted in a prominent place in the recipient's offices or facilities. Methods of notice may also include publishing in newspapers and magazines, and placing notices in recipient's internal publications or on recipient's printed letterhead. Where appropriate, such notice must be in a language or languages other than English. The notice must identify the responsible employee designated in accordance with § 7.85.

(b) *Deadline.* Recipients of assistance must provide initial notice by thirty (30) calendar days after award and continuing notice for the duration of EPA assistance.

## § 7.100 Intimidation and retaliation prohibited.

No applicant, recipient, nor other person shall intimidate, threaten, coerce, or discriminate against any individual or group, either:

(a) For the purpose of interfering with any right or privilege guaranteed by the Acts or this part, or

(b) Because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing under this part, or has opposed any practice made unlawful by this regulation.

## Subpart E—Agency Compliance Procedures

### § 7.105 General policy.

EPA's Administrator, Director of the Office of Civil Rights, Project Officers and other responsible officials shall seek the cooperation of applicants and recipients in securing compliance with this part, and are available to provide help.

### § 7.110 Preaward compliance.

(a) *Review of compliance information.* Within EPA's application processing period, the OCR will



## § 7.115

determine whether the applicant is in compliance with this part and inform the Award Official. This determination will be based on the submissions required by § 7.80 and any other information EPA receives during this time (including complaints) or has on file about the applicant. When the OCR cannot make a determination on the basis of this information, additional information will be requested from the applicant, local government officials, or interested persons or organizations, including handicapped persons or organizations representing such persons. The OCR may also conduct an on-site review only when it has reason to believe discrimination may be occurring in a program or activity which is the subject of the application.

(b) *Voluntary compliance.* If the review indicates noncompliance, an applicant may agree in writing to take the steps the OCR recommends to come into compliance with this part. The OCR must approve the written agreement before any award is made.

(c) *Refusal to comply.* If the applicant refuses to enter into such an agreement, the OCR shall follow the procedure established by paragraph (b) of § 7.130.

## § 7.115 Postaward compliance.

(a) *Periodic review.* The OCR may periodically conduct compliance reviews of any recipient's programs or activities receiving EPA assistance, including the request of data and information, and may conduct on-site reviews when it has reason to believe that discrimination may be occurring in such programs or activities.

(b) *Notice of review.* After selecting a recipient for review or initiating a complaint investigation in accordance with § 7.120, the OCR will inform the recipient of:

(1) The nature of and schedule for review, or investigation; and

(2) Its opportunity, before the determination in paragraph (d) of this section is made, to make a written submission responding to, rebutting, or denying the allegations raised in the review or complaint.

(c) *Postreview notice.* (1) Within 180 calendar days from the start of the compliance review or complaint investigation, the OCR will notify the recipient in writing by certified mail, return receipt requested, of:

(i) Preliminary findings;

(ii) Recommendations, if any, for achieving voluntary compliance; and

(iii) Recipient's right to engage in voluntary compliance negotiations where appropriate.

(2) The OCR will notify the Award Official and the Assistant Attorney General for Civil Rights of the preliminary findings of noncompliance.

(d) *Formal determination of noncompliance.* After receiving the notice of the preliminary finding of noncompliance in paragraph (c) of this section, the recipient may:

(1) Agree to the OCR's recommendations, or

(2) Submit a written response sufficient to demonstrate that the preliminary findings are incorrect, or that compliance may be achieved through steps other than those recommended by OCR.

If the recipient does not take one of these actions within fifty (50) calendar days after receiving this preliminary notice, the OCR shall, within fourteen (14) calendar days, send a formal written determination of noncompliance to the recipient and copies to the Award Official and Assistant Attorney General.

(e) *Voluntary compliance time limits.* The recipient will have ten (10) calendar days from receipt of the formal determination of noncompliance in which to come into voluntary compliance. If the recipient fails to meet this deadline, the OCR must start proceedings under paragraph (b) of § 7.130.

(f) *Form of voluntary compliance agreements.* All agreements to come into voluntary compliance must:

(1) Be in writing;

(2) Set forth the specific steps the recipient has agreed to take, and

(3) Be signed by the Director, OCR or his/her designee and an official with authority to legally bind the recipient.

## § 7.120 Complaint investigations.

The OCR shall promptly investigate all complaints filed under this section unless the complainant and the party complained against agree to a delay pending settlement negotiations.

(a) *Who may file a complaint.* A person who believes that he or she or a specific class of persons has been discriminated against in violation of this part may file a complaint. The complaint may be filed by an authorized representative. A complaint alleging employment discrimination must identify at least one individual aggrieved by such discrimination. Complaints solely alleging employment discrimination against an individual on the basis of race, color, national origin, sex or religion shall be processed under the procedures for complaints of employment discrimination filed against recipients of federal assistance (see 28 CFR part 42, subpart H and 29 CFR part 1691). Complainants are encouraged but not required to make use of any grievance procedure established under § 7.90 before filing a complaint. Filing a complaint through a grievance procedure does not extend the 180 day calendar requirement of paragraph (b)(2) of this section.

(b) *Where, when and how to file complaint.* The complainant may file a complaint at any EPA of-

## § 7.130

fice. The complaint may be referred to the region in which the alleged discriminatory acts occurred.

(1) The complaint must be in writing and it must describe the alleged discriminatory acts which violate this part.

(2) The complaint must be filed within 180 calendar days of the alleged discriminatory acts, unless the OCR waives the time limit for good cause. The filing of a grievance with the recipient does not satisfy the requirement that complaints must be filed within 180 days of the alleged discriminatory acts.

(c) *Notification.* The OCR will notify the complainant and the recipient of the agency's receipt of the complaint within five (5) calendar days.

(d) *Complaint processing procedures.* After acknowledging receipt of a complaint, the OCR will immediately initiate complaint processing procedures.

(1) *Preliminary investigation.* (i) Within twenty (20) calendar days of acknowledgment of the complaint, the OCR will review the complaint for acceptance, rejection, or referral to the appropriate Federal agency.

(ii) If the complaint is accepted, the OCR will notify the complainant and the Award Official. The OCR will also notify the applicant or recipient complained against of the allegations and give the applicant or recipient opportunity to make a written submission responding to, rebutting, or denying the allegations raised in the complaint.

(iii) The party complained against may send the OCR a response to the notice of complaint within thirty (30) calendar days of receiving it.

(2) *Informal resolution.* (i) OCR shall attempt to resolve complaints informally whenever possible. When a complaint cannot be resolved informally, OCR shall follow the procedures established by paragraphs (c) through (e) of § 7.115.

(c) *Confidentiality.* EPA agrees to keep the complainant's identity confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Ordinarily in complaints of employment discrimination, the name of the complainant will be given to the recipient with the notice of complaint.

(f) [Reserved]

(g) *Dismissal of complaint.* If OCR's investigation reveals no violation of this part, the Director, OCR, will dismiss the complaint and notify the complainant and recipient.

### § 7.125 Coordination with other agencies.

If, in the conduct of a compliance review or an investigation, it becomes evident that another agency has jurisdiction over the subject matter, OCR will cooperate with that agency during the

continuation of the review of investigation. EPA will:

(a) Coordinate its efforts with the other agency, and

(b) Ensure that one of the agencies is designated the lead agency for this purpose. When an agency other than EPA serves as the lead agency, any action taken, requirement imposed, or determination made by the lead agency, other than a final determination to terminate funds, shall have the same effect as though such action had been taken by EPA.

### § 7.130 Actions available to EPA to obtain compliance.

(a) *General.* If compliance with this part cannot be assured by informal means, EPA may terminate or refuse to award or to continue assistance. EPA may also use any other means authorized by law to get compliance, including a referral of the matter to the Department of Justice.

(b) *Procedure to deny, annul, suspend or terminate EPA assistance.*

(1) *OCR finding.* If OCR determines that an applicant or recipient is not in compliance with this part, and if compliance cannot be achieved voluntarily, OCR shall make a finding of noncompliance. The OCR will notify the applicant or recipient (by registered mail, return receipt requested) of the finding, the action proposed to be taken, and the opportunity for an evidentiary hearing.

(2) *Hearing.* (i) Within 30 days of receipt of the above notice, the applicant or recipient shall file a written answer, under oath or affirmation, and may request a hearing.

(ii) The answer and request for a hearing shall be sent by registered mail, return receipt requested, to the Chief Administrative Law Judge (ALJ) (A-110), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Upon receipt of a request for a hearing, the ALJ will send the applicant or recipient a copy of the ALJ's procedures. If the recipient does not request a hearing, it shall be deemed to have waived its right to a hearing, and the OCR finding shall be deemed to be the ALJ's determination.

(3) *Final decision and disposition.* (i) The applicant or recipient may, within 30 days of receipt of the ALJ's determination, file with the Administrator its exceptions to that determination. When such exceptions are filed, the Administrator may, within 45 days after the ALJ's determination, serve to the applicant or recipient, a notice that he/she will review the determination. In the absence of either exceptions or notice of review, the ALJ's determination shall constitute the Administrator's final decision.

## § 7.135

(ii) If the Administrator reviews the ALJ's determination, all parties shall be given reasonable opportunity to file written statements. A copy of the Administrator's decision will be sent to the applicant or recipient.

(iii) If the Administrator's decision is to deny an application, or annul, suspend or terminate EPA assistance, that decision becomes effective thirty (30) days from the date on which the Administrator submits a full written report of the circumstances and grounds for such action to the Committees of the House and Senate having legislative jurisdiction over the program or activity involved. The decision of the Administrator shall not be subject to further administrative appeal under EPA's General Regulation for Assistance Programs (40 CFR part 30, subpart L).

(4) *Scope of decision.* The denial, annulment, termination or suspension shall be limited to the particular applicant or recipient who was found to have discriminated, and shall be limited in its effect to the particular program or the part of it in which the discrimination was found.

### § 7.135 Procedure for regaining eligibility.

(a) *Requirements.* An applicant or recipient whose assistance has been denied, annulled, terminated, or suspended under this part regains eligibility as soon as it:

(1) Provides reasonable assurance that it is complying and will comply with this part in the future, and

(2) Satisfies the terms and conditions for regaining eligibility that are specified in the denial, annulment, termination or suspension order.

(b) *Procedure.* The applicant or recipient must submit a written request to restore eligibility to the OCR declaring that it has met the requirements set forth in paragraph (a) of this section. Upon determining that these requirements have been met, the OCR must notify the Award Official, and the applicant or recipient that eligibility has been restored.

(c) *Rights on denial of restoration of eligibility.* If the OCR denies a request to restore eligibility, the applicant or recipient may file a written request for a hearing before the EPA Chief Administrative Law Judge in accordance with paragraph (c) § 7.130, listing the reasons it believes the OCR was in error.

### APPENDIX A TO PART 7—EPA ASSISTANCE PROGRAMS AS LISTED IN THE "CATALOG OF FEDERAL DOMESTIC ASSISTANCE"

1. Assistance provided by the Office of Air, Noise and Radiation under the Clean Air Act of 1977, as amended; Pub. L. 95-95, 42 U.S.C. 7401 *et seq.* (ANR 66.003)

2. Assistance provided by the Office of Air, Noise and Radiation under the Clean Air Act of 1977, as amended; Pub. L. 95-95, 42 U.S.C. 7401 *et seq.* (ANR 66.003)

3. Assistance provided by the Office of Water under the Clean Water Act of 1977, as amended; sections 101(c), 109(b), 201-05, 207, 208(d), 210-12, 213-19, 304(d)(3), 313, 501, 502, 511 and 516(b); Pub. L. 97-117; Pub. L. 95-217; Pub. L. 96-483; 33 U.S.C. 1251 *et seq.* (OW 66.418)

4. Assistance provided by the Office of Water under the Clean Water Act of 1977, as amended; section 106; Pub. L. 95-217; 33 U.S.C. 1251 *et seq.* (OW 66.419)

5. Assistance provided by the Office of Water under the Clean Water Act of 1977, as amended; Pub. L. 95-217; 33 U.S.C. 1251 *et seq.* (OW 66.426)

6. Assistance provided by the Office of Water under the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523; as amended by Pub. L. 93-190; Pub. L. 96-63; and Pub. L. 93-502. (OW 66.432)

7. Assistance provided by the Office of Water under the Safe Drinking Water Act, Pub. L. 93-523, as amended by Pub. L. 96-63, Pub. L. 95-190, and Pub. L. 96-502. (OW 66.433)

8. Assistance provided by the Office of Water under the Clean Water Act of 1977, section 205(g), as amended by Pub. L. 95-217 and the Federal Water Pollution Control Act, as amended; Pub. L. 97-117; 33 U.S.C. 1251 *et seq.* (OW 66.438)

9. Assistance provided by the Office of Water under the Resource Conservation and Recovery Act of 1976; as amended by the Solid Waste Disposal Act; Pub. L. 94-580; section 3011, 42 U.S.C. 6931, 6947, 6948-49. (OW 66.502)

10. Assistance provided by the Office of Research and Development under the Clean Air Act of 1977, as amended; Pub. L. 95-95; 42 U.S.C. *et seq.*; Clean Water Act of 1977, as amended; Pub. L. 95-217; 33 U.S.C. 1251 *et seq.*; section 8001 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976; Pub. L. 94-580; 42 U.S.C. 6901, Public Health Service Act as amended by the Safe Drinking Water Act as amended by Pub. L. 95-190; Federal Insecticide, Fungicide and Rodenticide Act; Pub. L. 95-516; 7 U.S.C. 136 *et seq.*; as amended by Pub. L.'s 94-140 and 95-396; Toxic Substances Control Act; 15 U.S.C. 2609; Pub. L. 94-469. (ORD 66.500)

11. Assistance provided by the Office of Research and Development under the Clean Air Act of 1977, as amended; Pub. L. 95-95; 42 U.S.C. 7401 *et seq.* (ORD 66.501)

12. Assistance provided by the Office of Research and Development under the Federal Insecticide, Fungicide and Rodenticide Act, Pub. L. 95-516, 7 U.S.C. 136 *et seq.*, as amended by Pub. L.'s 94-140 and 95-396. (ORD 66.502)

13. Assistance provided by the Office of Research and Development under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976; 42 U.S.C. 6901, Pub. L. 94-580, section 8001. (ORD 66.504)

14. Assistance provided by the Office of Research and Development under the Clean Water Act of 1977, as amended; Pub. L. 95-217; 33 U.S.C. 1251 *et seq.* (ORD 66.505)

15. Assistance provided by the Office of Research and Development under the Public Health Service Act as



Pt. 7, App. A

amended by the Safe Drinking Water Act, as amended by Pub. L. 95-190 (ORD-66.506)

16. Assistance provided by the Office of Research and Development under the Toxic Substances Control Act; Pub. L. 94-469; 15 U.S.C. 2609; section 10. (ORD 66.507)

17. Assistance provided by the Office of Administration, including but not limited to: Clean Air Act of 1977, as amended, Pub. L. 95-95; 42 U.S.C. 7401 *et seq.*; Clean Water Act of 1977, as amended; Pub. L. 95-217; 33 U.S.C. 1251 *et seq.*; Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976; 42 U.S.C. 6901; Pub. L. 94-580; Federal Insecticide, Fungicide and Rodenticide Act; Pub. L. 92-516; 7 U.S.C. 136 *et seq.* as amended by Pub. L.'s 94-140 and 95-396; Public Health Service Act, as amended by the Safe Drinking Water Act, as amended by Pub. L. 95-190. (OA 66.600)

18. Assistance provided by the Office of Administration under the Clean Water Act of 1977, as amended; Pub. L. 95-217; section 213; 33 U.S.C. 1251 *et seq.* (OA 66.603)

19. Assistance provided by the Office of Enforcement Counsel under the Federal Insecticide and Rodenticide Act, as amended; Pub. L. 92-516; 7 U.S.C. 136 *et seq.* as amended by Pub. L. 94-140, section 23(a) and Pub. L. 95-396. (OA 66.700)

20. Assistance provided by the Office of Solid Waste and Emergency Response under the Comprehensive Environmental Responses, Compensation and Liability Act of 1980; Pub. L. 96-510, section 3012, 42 U.S.C. 9601, *et seq.* (OSW—number not to be assigned since Office of Management and Budget does not catalog one-year programs.)

21. Assistance provided by the Office of Water under the Clean Water Act as amended; Pub. L. 97-117, 33 U.S.C. 1313. (OW-66.454)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**Return Receipt Requested**

Certified Mail# 7004 1160 0002 3622 6864

**In Reply Refer to:**

EPA File No 01R-15-R4 OFFICE OF  
CIVIL RIGHTS

Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs,  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring correspondence received on January 5, 2015 from an inmate (Complainant) in Limestone Correctional Facility. The EPA/OCR treated the correspondence as a Title VI complaint. Complainant alleged that the Alabama Correctional Facility employees at Limestone Correctional Facility are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since Limestone Correctional Facility is not an applicant for, nor recipient of, EPA financial assistance and Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations, his complaint does not fall within the EPA/OCR's jurisdiction, and the EPA must reject it for investigation.

However, because the U.S. Department of Justice (DOJ) may have subject-matter jurisdiction over the allegations presented in the subject complaint, the EPA/OCR is referring it to the DOJ for appropriate action. We have notified the Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The document is enclosed.

If you have any questions, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, [Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,

A handwritten signature in black ink, which appears to read "Velveta Golightly-Howell", is written over a printed name.

Velveta Golightly-Howell  
Director

Enclosures (1)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)

**(b) (6) Privacy**

Harvest, Alabama 35749

# SUSPICIOUS ACTIVITY REPORT

Case Report No. S.A.R. 14-021

\*\*\*\*\*

VIOLATIONS OF STATE LAW § 22-15A-1 et. seq.  
TYPE OF INCIDENT: "ALABAMA CLEAN INDOOR AIR DATE: 12-23-14  
ACT"

NARRATIVE: ALABAMA DEPT. OF CORRECTIONS' EMPLOYEES  
i.e., LAW ENFORCEMENT OFFICERS ARE NOT ENFORCING  
THE NONSMOKING LAWS IN STATE BUILDINGS IN  
THE CELLS, THE BATHROOMS, AND THE DORMITORY  
HOUSING OF INMATES - ALSO THE TV ROOMS WITHIN  
THE PRISON SYSTEM.

NO \$25.00 TICKET/CITATIONS ARE BEING GIVEN  
OR WRITTEN UP BY CORRECTIONAL OFFICERS FOR  
INMATES SMOKING INSIDE STATE BUILDINGS BY  
INMATES PURSUANT TO § 22-15A-9 CODE OF ALA.  
WITH THE MONEY DEPOSITED IN THE STATE GENERAL  
FUND AS REQUIRED BY LAW - SEE § 22-15A-8 (c)  
CODE OF ALABAMA 1975.

IF THESE SAID LAWS WILL NOT OR CAN NOT  
BE ENFORCED - WE NONSMOKING INMATES WANT  
A TOBACCO FREE PRISON SYSTEM AS IN OTHER  
STATE PRISON SYSTEMS. THIS IS TO INCLUDE  
ALL TOBACCO PRODUCTS NOT BEING SOLD ON  
THE INMATE STORES WITH LARGE PROFITS  
FOR THE D.O.C. AND THE WARDEN'S SLUSH  
FUND, i.e. INSTITUTIONAL CONTINGENCY FUNDS  
AT EACH PRISON.

(b) (6) Privacy

Name of Affiant (print clearly)

(b) (6) Privacy

Affiant's Signature

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 day of Dec, 2014

Daryl Nagreffe  
Notary Public

My Commission Expires: 10-30-17

Page 1 of 1 Pages



JAN - 5 - 2015

12-23-14

Date \_\_\_\_\_

HUNDREDS OF INMATES ARE PICKING UP USED CIGARETTE BUTTS OFF OF THE GROUND AND OUT OF GARBAGE AND TAKING THE USED TOBACCO OUT OF THE BUTTS AND REROLLING THIS TOBACCO INTO A NEW CIGARETTE. THESE INMATES ARE USING BIBLE PAPER AND THE TOILET PAPER WRAPPERS - BOTH WITH TOXIC INK ON THIS PAPER - TO RE-ROLL THIS USED TOBACCO INTO HAND ROLLED CIGARETTES. THE VERY STRONG ODOR FROM THESE CIGARETTES IS EXTREMELY OFFENSIVE TO US NON-SMOKERS. YOU CAN'T GET AWAY FROM THESE SMOKING INMATES AND THE CORRECTIONAL OFFICERS ARE NOT ENFORCING THE NONSMOKING LAWS, I.E. §22-15A-1 ET. SEQ. CODE OF ALABAMA 1975.

WE, NONSMOKERS WANT A TOBACCO FREE PRISON SYSTEM AS OTHER STATE PRISON SYSTEMS.

SEE ATTACHED EXHIBIT.

Date Executed: 12-23-14

(b) (6) Privacy

Signature of Declarant

# HOLY SMOKE

## THE EPISTLE OF PAUL THE APOSTLE TO THE ROMANS

### CHAPTER I

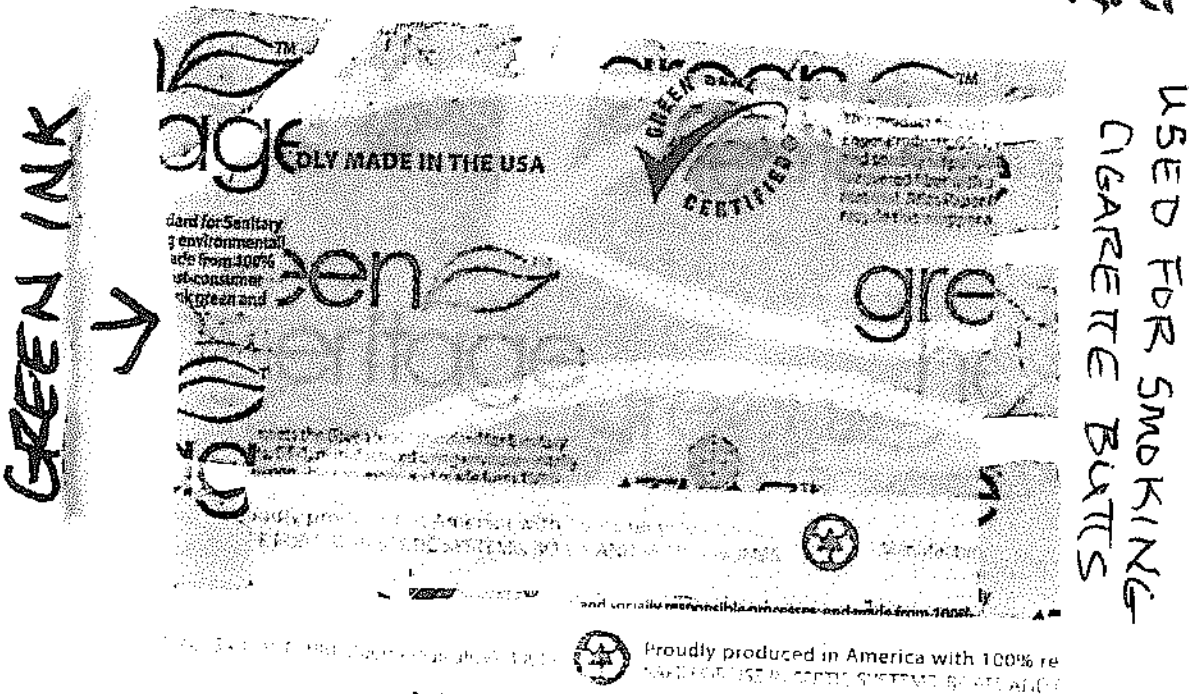
1 PAUL, a servant of Jesus Christ, called to be an apostle, separated unto the gospel of God,  
2 (Which he had promised afore by his prophets in the holy scriptures.)  
3 Concerning his Son Jesus Christ our Lord, which was made of the seed of David according to the flesh;  
4 And declared to be the Son of God with power, according to the spirit of holiness, by the resurrection from the dead:  
5 By whom we have received grace and apostleship, for obedience to the faith among all nations, for his name:  
6 Among whom are ye also the called of Jesus Christ:  
7 To all that be in Rome, beloved of God, called to be saints: Grace to you and peace from God our Father, and the Lord Jesus Christ.  
8 First, I thank my God through Jesus Christ for you all, that your faith is

spoken of throughout the whole world.  
9 For God is my witness, whom I serve with my spirit, it in the gospel of his Son, that without ceasing I make mention of you always in my prayers;  
10 Making request, if by any means now at length I might have a prosperous journey by the will of God to come unto you.  
11 For I long to see you, that I may impart unto you some spiritual gift, to the end ye may be established;  
12 That is, that I may be comforted together with you by the mutual faith both of you and me.  
13 Now I would not have you ignorant, brethren, that oftentimes I purposed to come unto you, (but was let hitherto,) that I might have some fruit among you also, even as among other Gentiles.  
14 I am debtor both to the Greeks, and to the Barbarians; both to the wise, and to the unwise.  
15 So, as much as in me is, I am ready to preach the

BIBLE PAPER  
USED TO SMOKE  
RE-ROLLED USED  
CIGARETTE TOBACCO  
PICKED UP BUTTS  
FROM FLOOD AND  
GARBAGE

← INK ON PAPER

## TOILET PAPER TISSUE WRAPPER



SUPER STRONG  
ODOR

EXHIBIT





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR - 3 2015

**Return Receipt Requested**

Certified Mail# 7004 2820 0002 1759 1421

**In Reply Refer to:**

EPA File No 04R-15-R4 OFFICE OF  
CIVIL RIGHTS

**(b) (6) Privacy**

Harvest, Alabama 35749

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your correspondence on February 9, 2015, concerning Limestone Correctional Facility, which is operated by the Alabama Department of Corrections (ADOC). Your correspondence, which EPA/OCR construes as a complaint, contains allegations that the ADOC has, and continues to, violate various environmental laws. Because OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et. seq.*, and, EPA's nondiscrimination regulations found at 40 C.F.R. Part 7, we processed your correspondence as a Title VI complaint. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving, or applying for, Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of complaints to determine whether to accept, reject or refer them. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)


After careful review, OCR is rejecting your complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, the Alabama Department of Corrections is neither an applicant for, nor a recipient of, EPA financial assistance. Second, allegations must describe a

discriminatory act that, if true, may violate EPA's nondiscrimination regulations. You do not claim discrimination based on your race, color, national origin, sex, age, or disability status. Therefore, for these reasons, your complaint does not fall within the EPA/OCR's jurisdiction, and OCR must reject it for investigation.

It appears, however, that your complaint may fall within the jurisdiction of the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs. Therefore, the EPA/OCR is referring it to the DOJ for appropriate action. A copy of the letter to the DOJ is enclosed. The contact person at the DOJ is Michael Alston, and his contact information is U.S. Department of Justice, 810 Seventh Street, N.W., Washington D.C., 20531, (202) 354-4380, [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).

If you have any questions about EPA's decision to refer the matter to DOJ, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, [Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

  
Velveta Golightly-Howell  
Director

Enclosures (2)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken LaPierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 3 2015

**Return Receipt Requested**

Certified Mail# 7009 2820 0002 1759 1414

**In Reply Refer to:**

EPA File No 04R-15-R4

OFFICE OF  
CIVIL RIGHTS

Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs,  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring correspondence received on February 9, 2015 from an inmate (Complainant) incarcerated in the Alabama Department of Corrections. The EPA/OCR treated the correspondence as a Title VI complaint. Complainant alleged various violations of environmental laws by the Alabama Department of Corrections. However, since the Alabama Department of Corrections is neither an applicant for nor recipient of EPA financial assistance and Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations, his complaint does not fall within the EPA/OCR's jurisdiction, and the EPA must reject it for investigation.

However, because the U.S. Department of Justice (DOJ) may have subject-matter jurisdiction over the allegations presented in the subject complaint, the EPA/OCR is referring it to the DOJ for appropriate action. We have notified the Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The notice letter is enclosed.

If you have any questions, please contact Helena Wooden-Aguilar, Assistant Director, External Compliance Program at (202) 564-0792, [Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,

Velveta Golightly-Howell  
Director

Enclosures (1)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Deputy Civil Rights Official  
U.S. EPA Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(MC 9T25)

**(b) (6) Privacy**

Harvest, Alabama 35749





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2016

OFFICE OF  
CIVIL RIGHTS

**RETURN RECEIPT REQUESTED**

Certified Mail#: 7015 0640 0006 0305 7060

**In Reply Refer To:**

EPA File No: 05D-15-R6

**(b) (6) Privacy**

Laredo, Texas 78040

Re: **Rejection of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is in response to your administrative complaint filed with the Disability Rights Section of the Civil Rights Division at the U.S. Department of Justice on October 21, 2014, which was subsequently referred to the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) on February 18, 2015. Your complaint contained allegations that the City of Laredo, Webb County Utilities Department, and the Texas Commission on Environmental Quality (TCEQ) have failed to repair sewer pipes affecting your residence. After careful review, the complaint is rejected and the case is closed as of the date of this letter.

Pursuant to the EPA's nondiscrimination regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, age, sex, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. Finally, it must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. For your reference, we have enclosed a copy of EPA's nondiscrimination regulations. (See 40 Code of Federal Regulations Part 7.)

On May 1, 2015, the OCR sent you a letter requesting additional information necessary to process your complaint. Specifically, the OCR requested that you provide a description of the allegedly discriminatory act, the date(s) that the act was committed, and the identity of the recipient(s) or applicant(s) for EPA financial assistance who had committed the alleged discriminatory act. The OCR requested that you submit the information within twenty (20) days of receipt of the OCR's letter. Our records indicate that you received the

letter on May 5, 2015. To date, the OCR has not received a response from you. OCR has given you an extension of time without a formal request.

However, OCR has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, your complaint does not describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations. Second, the City of Laredo and the Webb County Utilities Department are not currently a recipient of EPA financial assistance. Additionally, the OCR is unable to determine the date(s) that the alleged discriminatory act occurred.

If you have any questions about this letter, please contact Ericka Farrell of my staff by telephone at (202) 564-0717, by electronic mail at [Farrell.ericka@epa.gov](mailto:Farrell.ericka@epa.gov), or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office

Samuel Coleman  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

MAY 05 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1650

**In Reply Refer to:**

EPA File No.: 06R-15-R6

**(b) (6) Privacy**

Franklin, Louisiana 70538

**Re: Rejection of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting your complaint received from the Department of Justice on February 24, 2015, alleging that the Ameripure Oyster Company, Inc. and the City of Franklin are engaging in "environmental racism." Because the OCR is responsible for processing complaints containing allegations of discrimination by recipients of EPA financial assistance pursuant to Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 United States Code (U.S.C.) §§ 000d, *et seq.*, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, we have assumed that you intended to file a Title VI complaint and are processing your complaint in this manner. The complaint alleged that the activities of the Ameripure processing facility near your home caused localized pollution that was damaging to your quality of life and enjoyment of your property, specifically with respect to the odors caused by the facility's waste disposal methods. You further contend that these actions occurred based on color and income. The complaint is dismissed and the case closed as of the date of this letter.

Pursuant to the EPA's nondiscrimination administrative regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate Agency. (See 40 Code of Federal Regulations (C.F.R.) § 7.120(d)(1).) For a complaint to be accepted for investigation, the complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. (See 40 C.F.R. § 7.120(b)(1).) Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180



calendar days of the alleged discriminatory act. (See 40 C.F.R. §7.120(b)(2).) Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. (See 40 C.F.R. § 7.15.) For your reference, a copy of the EPA's nondiscrimination regulations is enclosed.

After careful review of the information you provided to the OCR in your complaint, the EPA is rejecting the complaint because the allegation you describe does not meet the EPA's jurisdictional requirements. Specifically, the complaint does not identify an applicant for, or a recipient of, EPA financial assistance that allegedly committed a discriminatory act. 40 C.F.R. § 7.15. The City of Franklin, the Ameripure Oyster Company, and the individuals named in the complaint do not receive Federal financial assistance from the EPA. In addition, the complaint does not identify any alleged discriminatory act that occurred within 180 days from filing of the complaint. Also, the OCR does not have jurisdiction over any allegations based on income status. Accordingly, the Agency lacks jurisdiction over the complaint.

If you have questions regarding the OCR's decision, please contact Helena Wooden-Aguilar of the OCR's External Compliance Program, at (202) 564-0792, via electronic mail at [wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov), or by mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Velveta Golightly-Howell  
Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

August 31, 2016

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail # 7009 2820 0002 1759 1834

**In Reply Refer to:**

EPA File No. 07R-15-R6

**(b) (6) Privacy**

Baton Rouge, Louisiana 70807

**Re: Rejection of Administrative Complaint**

Dear **(b) (6) Privacy**

The U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received your complaint on February 25, 2016, alleging that the City of Baton Rouge continues to violate Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7. The OCR cannot accept your complaint for investigation as it does not meet the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

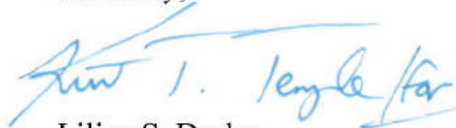
After careful review, OCR is rejecting your allegations for investigation because the OCR has concluded that your complaint does not articulate an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulation. You described residents adjacent to the North Wastewater Treatment Plant (NWWTP) as suffering due to sewage line construction near the NWWTP, which you claimed was being conducted in order to expand the NWWTP, so that it may receive waste from Zachary, Louisiana. You also described that this construction created negative conditions and health

problems. It is noted that these are the same alleged effects that you raised during the permit issuance process.

OCR consulted the City of Baton Rouge and staff in EPA's Region 6 and learned that the construction is related to transmission lines that will provide the infrastructure necessary for the erection of a buffer space between the University Place subdivision and the NWWTP.<sup>1</sup> Further, your complaint fails to describe or identify any new harm or action taken by the City, as opposed to ongoing effects of a prior decision or action, which could be considered a timely discriminatory act. Therefore, the OCR is rejecting and closing this complaint as of the date of this letter.

If you have any questions about this letter, please contact Case Manager Ericka Farrell, at (202) 564-0717, via e-mail at [farrell.ericka@epa.gov](mailto:farrell.ericka@epa.gov) or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka  
Acting Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights and Finance Law Office

Samuel Coleman  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 6

---

<sup>1</sup> City of Baton Rouge/Parish East Baton Rouge Department of Public Works Consent Decree Fact Sheet, page 1 and 2, October 2009.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

'JUL 08 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1605

**In Reply Refer to:**

EPA File No. 10U-15-R8

**(b) (6) Privacy**

Mooreton, North Dakota, 58061

**Re: Notification and Referral of Correspondence**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your correspondence on April 13, 2015, concerning the North Dakota Department of Agriculture Mediation Service (NDDOA). Your correspondence contained a copy of a United States Department of Agriculture (USDA) Program Discrimination Complaint Form and accompanying documents.

The EPA does not have jurisdiction over complaints related to NDDOA's mediation services. It appears that your complaint may fall within the jurisdiction of the USDA's OCR. For these reasons, the EPA/OCR is referring your complaint to the USDA Office of the Assistant Secretary for Civil Rights, Office of Adjudication for appropriate action. A copy of this referral letter is enclosed.

Carl-Martin Ruiz is the director of the Office of Adjudication of USDA's Office of the Assistant Secretary for Civil Rights is. His contact information is USDA/OASCR, 541 Reporter's Building, Mail Stop 9410, 300 7<sup>th</sup> Street, S.W., Washington, DC 20250. To obtain further information on USDA's discrimination complaint process, you may also contact the Office of the Assistant Secretary for Civil Rights, Information Research Service, at (202) 260-1026 or (866) 632-9992 (toll free) or send an email to the Office of the Assistant Secretary for Civil Rights at [CR-INFO@ascr.usda.gov](mailto:CR-INFO@ascr.usda.gov).

If you have any questions, please contact William Yon at (202) 564-5617, [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

A handwritten signature in blue ink, appearing to read "V. Golightly-Howell for".

Velveta Golightly-Howell  
Director, EPA Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Deb Thomas  
Deputy Civil Rights Official  
U.S. EPA Region VIII  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
(MC 8RA)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 08 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1681

**In Reply Refer to:**

EPA File No. 10U-15-R8

OFFICE OF  
CIVIL RIGHTS

Carl-Martin Ruiz  
Director, Office of Adjudication  
Office of the Assistant Secretary for Civil Rights  
U.S. Department of Agriculture  
541 Reporter's Building, Mail Stop 9410  
300 Seventh Street, S.W.  
Washington, DC 20250

**Re: Notification and Referral of Correspondence**

Dear Mr. Ruiz:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received correspondence on April 13, 2015, from (b) (6) Privacy, relating to North Dakota Department of Agriculture's (NDDOA) mediation services. OCR construed the (b) (6) Privacy correspondence as a complaint.

Since the EPA does not have jurisdiction over complaints related to NDDOA's mediation services, the EPA is referring this matter to the United States Department of Agriculture's (USDA) Office of the Assistant Secretary for Civil Rights, Office of Adjudication for appropriate action. We have notified the Complainants that their correspondence has been forwarded to the USDA and have provided them with your contact information. The Complainants' correspondence is enclosed.

If you have any questions, please contact William Yon at (202) 564-5617, [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

Velveta Golightly-Howell  
Director, EPA Office of Civil Rights

Enclosures (1)

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Deb Thomas  
Deputy Civil Rights Official  
U.S. EPA Region VIII  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
(MC 8RA)

**(b) (6) Privacy**

Mooreton, North Dakota 58061

North Dakota Mediation Service  
ND Department of Agriculture  
600 E Boulevard Ave Dept 602  
Bismarck, North Dakota 58505-0020





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1988

**In Reply Refer to:**

EPA File No. 11D-15-R3

**(b) (6) Privacy**

Washington, D.C. 20032

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting the administrative complaint filed against the Winn Companies received by the EPA on June 8, 2015. The complaint generally alleges that Winn Companies is discriminating against you based on disability, age and sex in violation of the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another agency. *See* 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. *See* 40 C.F.R. §7.120(b)(1). Second, it must allege discriminatory acts that would violate the EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

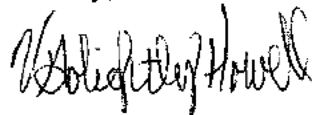
The OCR is not accepting your complaint for investigation because it does not meet the EPA's jurisdictional requirements. Winn Companies is not a recipient of federal financial assistance from EPA and is not under the OCR's jurisdiction.

However, the OCR is referring your complaint to the D.C. Department of Consumer & Regulatory Affairs (DCRA) and the D.C. Department of Health (DOH) for potential further action. These agencies may have jurisdiction over the allegations you have raised. Contact information for the DCRA Housing Code Inspection Division is as follows: 1100 4th Street, S.W., Fourth Floor, Washington, D.C. 20024, (202) 442-4400, [dcra.housingcomplaints@dc.gov](mailto:dcra.housingcomplaints@dc.gov).

Contact information for the DOH Rodent Control Office is as follows: 899 North Capitol Street, N.E., Washington, D.C. 20002, (202) 535-2323, [doh@dc.gov](mailto:doh@dc.gov). Please direct further inquiries on this complaint to these offices. We are notifying the Directors of these agencies, as this letter is being copied to them. We are enclosing copies of our referral letters to these agencies regarding your complaint.

Per your request, we are also enclosing a copy of your complaint. If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosures (3)

cc: Elise Packard, Associate General Counsel  
Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

Ms. Melinda Bolling, Acting Director  
D.C. Department of Consumer & Regulatory Affairs  
1100 Fourth Street, S.W.  
Washington, D.C. 20024

LaQuandra S. Nesbitt MD, MPH, Director  
D.C. Department of Health  
899 North Capitol Street, N.E.  
Washington, DC 20002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 2084

**In Reply Refer to:**

EPA File No. 11D-15-R3

Ms. Melinda Bolling  
Acting Director  
D.C. Department of Consumer & Regulatory Affairs  
1100 Fourth Street, S.W.  
Washington, D.C. 20024

**Re: Referral of Administrative Complaint**

Dear Ms. Bolling:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received an administrative complaint from a Southeast D.C. resident (Complainant) living in an apartment complex owned by the Winn Companies on June 8, 2015. The OCR is referring the complaint to the D.C. Department of Consumer & Regulatory Affairs (DCRA) for appropriate action, as it raises allegations that the OCR is unable to address.

The complaint generally alleges that Winn Companies is discriminating against the Complainant based on the Complainant's age, disability, and sex. The complaint further alleges that Winn Companies has committed discriminatory act(s) by failing to remedy numerous unsafe and unsanitary living conditions to which the Complainant is allegedly subjected.

Since Winn Companies is neither an applicant for nor recipient of EPA financial assistance under the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, this complaint does not fall within the OCR's jurisdiction. As a result, the EPA must reject it for investigation. However, we believe the DCRA, and more specifically the Housing Code Inspection Division, may be able to examine and/or address the allegations presented in it. We have notified the Complainant that the subject complaint has been forwarded to the DCRA and provided the DCRA's contact information.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

**(b) (6) Privacy**

Washington, D.C. 20032



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 2091

**In Reply Refer to:**

EPA File No. 11D-15-R3

LaQuandra S. Nesbitt MD, MPH, Director  
D.C. Department of Health  
899 North Capitol Street, N.E.  
Washington, D.C. 20002

**Re: Referral of Administrative Complaint**

Dear Dr. Nesbitt:

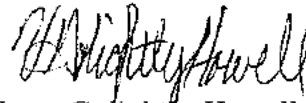
This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received an administrative complaint from a Southeast D.C. resident (Complainant) living in an apartment complex owned by the Winn Companies on June 8, 2015. The OCR is referring the complaint to the D.C. Department of Health (DOH) for appropriate action, as it raises allegations that the OCR is unable to address.

The complaint generally alleges that Winn Companies is discriminating against the Complainant based on the Complainant's age, disability, and sex. The complaint further alleges that Winn Companies has committed discriminatory act(s) by failing to remedy numerous unsafe and unsanitary living conditions to which the Complainant is allegedly subjected.

Since Winn Companies is neither an applicant for nor recipient of EPA financial assistance, under the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, the subject complaint does not fall within the OCR's jurisdiction. As a result, the EPA must reject it for further investigation of the allegations therein. However, we believe the DOH, and more specifically the Rodent Control Division, may be able to examine and/or address the allegations presented in it. We have notified the Complainant that this complaint has been forwarded to the DOH and provided the DOH's contact information.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

**(b) (6) Privacy**

Washington, D.C. 20032

30-10-1964

5

1000

... And

10-14-72

142

1. 2. 3.



[illegible]

The day the women were to say down to  
Mrs. White's house. They went there, no one  
helping a horse carriage. It was a good  
Agree about the night they had to switch  
him? There were been needed this way

There are 4 years as required

The ship will be at home for sometime  
I am happy you can give will be  
humbly & gratefully appreciated. In very grateful  
yours  
John Campbell

the people, and the United States  
judges, & health they are these people

[illegible]

and I can't hear them do. They are so  
 things that he's often a matter to do. <sup>but</sup>  
 reached the early stop all around, <sup>no</sup> <sup>the</sup> <sup>perfectly</sup> <sup>reaching</sup> <sup>the</sup> <sup>same</sup> <sup>place</sup>  
 seemed almost, <sup>the</sup> <sup>same</sup> <sup>place</sup>  
 like over time. <sup>the</sup> <sup>same</sup> <sup>place</sup>

If you have any  
questions please  
(Call no. 206-659645)  
(Someone's no.)  
PRIVATE

(b) (6) Privacy

2000-2001-2002-2003-2004



Washington, DC 20032-3213

(b) (6) Private  
(b) (6)

CAPITAL DISTRICT 200/2005

03 JUN 2015 PM 4 L



JUN - 8 2015

US EPA

Off. of Civil Rights  
(1201A)

1200 Pa. Ave NW  
W, DC 20046



FCL20212062

20460





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 2084

**In Reply Refer to:**

EPA File No. 11D-15-R3

Ms. Melinda Bolling  
Acting Director  
D.C. Department of Consumer & Regulatory Affairs  
1100 Fourth Street, S.W.  
Washington, D.C. 20024

**Re: Referral of Administrative Complaint**

Dear Ms. Bolling:

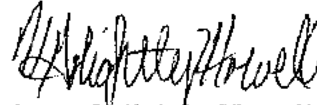
This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received an administrative complaint from a Southeast D.C. resident (Complainant) living in an apartment complex owned by the Winn Companies on June 8, 2015. The OCR is referring the complaint to the D.C. Department of Consumer & Regulatory Affairs (DCRA) for appropriate action, as it raises allegations that the OCR is unable to address.

The complaint generally alleges that Winn Companies is discriminating against the Complainant based on the Complainant's age, disability, and sex. The complaint further alleges that Winn Companies has committed discriminatory act(s) by failing to remedy numerous unsafe and unsanitary living conditions to which the Complainant is allegedly subjected.

Since Winn Companies is neither an applicant for nor recipient of EPA financial assistance under the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, this complaint does not fall within the OCR's jurisdiction. As a result, the EPA must reject it for investigation. However, we believe the DCRA, and more specifically the Housing Code Inspection Division, may be able to examine and/or address the allegations presented in it. We have notified the Complainant that the subject complaint has been forwarded to the DCRA and provided the DCRA's contact information.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Gblighly-Howell  
Director, Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

**(b) (6) Privacy**

Washington, D.C. 20032



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 2091

**In Reply Refer to:**

EPA File No. 11D-15-R3

LaQuandra S. Nesbitt MD, MPH, Director  
D.C. Department of Health  
899 North Capitol Street, N.E.  
Washington, D.C. 20002

**Re: Referral of Administrative Complaint**

Dear Dr. Nesbitt:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received an administrative complaint from a Southeast D.C. resident (Complainant) living in an apartment complex owned by the Winn Companies on June 8, 2015. The OCR is referring the complaint to the D.C. Department of Health (DOH) for appropriate action, as it raises allegations that the OCR is unable to address.

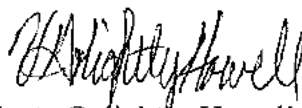
The complaint generally alleges that Winn Companies is discriminating against the Complainant based on the Complainant's age, disability, and sex. The complaint further alleges that Winn Companies has committed discriminatory act(s) by failing to remedy numerous unsafe and unsanitary living conditions to which the Complainant is allegedly subjected

Since Winn Companies is neither an applicant for nor recipient of EPA financial assistance, under the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, the subject complaint does not fall within the OCR's jurisdiction. As a result, the EPA must reject it for further investigation of the allegations therein. However, we believe the DOH, and more specifically the Rodent Control Division, may be able to examine and/or address the allegations presented in it. We have notified the Complainant that this complaint has been forwarded to the DOH and provided the DOH's contact information.



If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

**(b) (6) Privacy**

Washington, D.C. 20032



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

April 14, 2016

OFFICE OF  
CIVIL RIGHTS

**RETURN RECEIPT REQUESTED**

Certified Mail #: 7015 1520 0002 0019 2274

**In Reply Refer To:**

EPA File No: 12U-15-R5

**(b) (6) Privacy**

Brownsburg, Indiana 46112

**Re: Notification of Closure**

Dear **(b) (6) Privacy**

The Office of Civil Rights (OCR), U.S. Environmental Protection Agency (EPA), sent you a letter dated February 4, 2016, regarding the above-referenced transaction – EPA File Number 12U-15-R5. Thank you for speaking with Ms. Pooja Shah, of my staff, who contacted you on the morning of March 28, 2016, to obtain clarifying information. When Ms. Shah inquired about what “discriminatory act” you are concerned, you indicated that there is no basis for discrimination. Therefore, OCR is unable to take any further action.

We understand that you did not want to share the personal circumstances of your situation; however, you expressed an environmental concern of exploding gas at the auto body shop. As such, you may wish to contact the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regarding this concern. Contact information for OSHA’s representative, Mr. Jeff White, is:

U.S. Dept. of Labor, Occupational Safety and Health Administration  
Directorate of Enforcement Programs  
200 Constitution Avenue, NW  
Room N-3119  
Washington, D.C. 20210

If you have any questions, please contact Ms. Shah at (202) 564-2185, or via email at [Shah.Pooja@epa.gov](mailto:Shah.Pooja@epa.gov). Alternatively, you may call OCR’s main office number, (202) 564-7272, and ask to speak with Mr. Jonathan Stein.

Sincerely,

Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Ms. Elise Packard  
Assistant General Counsel  
Civil Rights and Finance Law Office

Ms. Cheryl Newton  
Acting Deputy Regional Administrator  
U.S. EPA Region 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1056

**In Reply Refer to:**

EPA File No. 13U-15-R4

**(b) (6) Privacy**

Bayboro, North Carolina 28515

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting the administrative complaint that you filed against Pamlico Correctional Institution (Pamlico CI), received by the EPA on June 24, 2015. OCR is referring the complaint to the U.S. Department of Justice (DOJ). It generally alleges that Pamlico CI, which is operated by the North Carolina Department of Public Safety (NC DPS), violated indoor clean air statutes because dangerous air particles circulating the Pamlico CI are harming the inmates. This is not a discriminatory act.

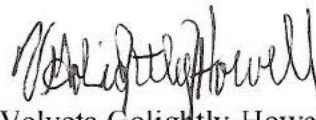
Pursuant to the EPA's nondiscrimination regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act or policy with a discriminatory effect based on race, color, national origin, sex, age, or disability).. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

Your allegation does not meet the EPA's jurisdictional requirements because neither Pamlico CI, nor the NC DPS are applicants for, or recipients of, EPA assistance. Additionally, the complaint does not allege a discriminatory act or policy based on race, color, national origin, sex, age or disability. As a result, the OCR is unable to accept your complaint.

However, because the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs may have jurisdiction over the allegations in this complaint, this complaint is being referred to the DOJ to review and investigate as it deems appropriate. A copy of the letter to DOJ is enclosed with this correspondence. The contact at DOJ for the referral of this allegation is Michael Alston. Mr. Alston's contact information is U.S. Department of Justice, 810 Seventh Street N.W., Washington D.C., 20531, (202) 354-4380, askOCR@ojp.usdoj.gov.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1070

**In Reply Refer to:**

EPA File No. 13U-15-R4

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

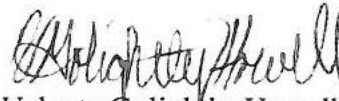
This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring a complaint received June 24, 2015 from an inmate (Complainant) incarcerated at the Pamlico Correctional Institution (Pamlico CI), which is operated by the North Carolina Department of Public Safety (NC DPS). Complainant alleges various violations of environmental laws by Pamlico CI. However, since neither Pamlico CI nor NC DPS are applicants for, or recipients of, EPA financial assistance and Complainant does not allege a discriminatory act that may violate the EPA's nondiscrimination regulations, his complaint does not fall within the OCR's jurisdiction, and the EPA must reject it for investigation.

As the U.S. Department of Justice (DOJ) may have jurisdiction over the allegations presented in the subject complaint, the OCR is referring for appropriate action. We have notified Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The complainant's letters are also enclosed.



If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

Enclosures (2)

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1070

**In Reply Refer to:**

EPA File No. 13U-15-R4

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring a complaint received June 24, 2015 from an inmate (Complainant) incarcerated at the Pamlico Correctional Institution (Pamlico CI), which is operated by the North Carolina Department of Public Safety (NC DPS). Complainant alleges various violations of environmental laws by Pamlico CI. However, since neither Pamlico CI nor NC DPS are applicants for, or recipients of, EPA financial assistance and Complainant does not allege a discriminatory act that may violate the EPA's nondiscrimination regulations, his complaint does not fall within the OCR's jurisdiction, and the EPA must reject it for investigation.

As the U.S. Department of Justice (DOJ) may have jurisdiction over the allegations presented in the subject complaint, the OCR is referring for appropriate action. We have notified Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The complainant's letters are also enclosed.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

Enclosures (2)

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515

(b) (6) Privacy

Bayboro, N.C. 28515

June 17<sup>th</sup>, 2015

U.S. EPA Environmental  
Protection Agency  
Office of Civil Rights  
Ariel Rias Building  
1200 Pennsylvania Ave. NW, Room 2540  
Washington, DC. 20460

In re: A Population Over Five Hundred (\*500) Inmates  
Health And Lives Put In Jeopardy And Already  
In Jeopardy Due To Dust And Mold Fungi and Possi-  
ble Asbestos Dust Particles:

Dear EPA

There serious and dangerous situation that may because  
some type of disease spreading through the Heat And Condition  
Ducts and Ventilation System here at the Pamlico Correctional  
Institution in Bayboro, North Carolina, Pamlico County, N.C.

It is more than likely that "pass and present" inmates have no  
ideal of how harmful the excessive flow of dust particles coming  
from the mold fungi and mildew and possible asbestos dust particles



years of build up will affect them and other that they may come in contact with in society after their release from prison.

Many correctional officers don't even recognize the health threat to them by working under these condition (s) twelve (12) hours a day or night.

The Administration personnel have failed to take steps to curtail, impeded or alleviate this health risk because it will cost too much to flush the Heat And Air Condition, and Ventilation ducts system, although there is more than enough free labor they can use of inmates labor.

I am respectfully requesting that the EPA Civil Rights Office investigate dangerous situation with this environment at this institution, "Pamlico Correctional Institution, Bayboro, N.C. 28515" ..

I trust that you will have an agent(s) to inspect this institution for truthness and order the appropriate action to be taken . . . .

Sincerely,

(b) (6) Privacy

(b) (6) Privacy

Bayboro, N.C. 28515

July 2<sup>nd</sup>, 2015

U.S. (EPA) Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave., NW, Room 2540  
Washington, D.C. 20460

In re: Complaint/Letter Of Complaint To OSHA U.S.  
Dept. of Labor, Occupational Safety And Health  
Administration :

Dear U.S. EPA

Enclosed you will find a accurate and true copy of my Complaint/Letter Of Complaint to "OSHA", because we need all the help we can get even to adequate medical screening for our lungs for symptoms of lung diseases because this prison administration only play word games along along with the medical staff members to avoid ~~pro~~providing adequate and necessary screening and treatment of cut cost over treatment.

JUL 06 2015

Sincerely,

(b) (6) Privacy



(b) (6) Privacy

Bayboro, N.C. 28515

July 2<sup>nd</sup>, 2015

OSHA

U.S. Dept. of Labor

Occupational Safety And Health Administration

200 Constitution Avenue

Washington, D.C. 20210

In re: A Population Over Five Hundred (#500) Inmates  
Health, Safety And Lives Are In Jeopardy And  
Have Already Been Put Into Jeopardy Due To Dust  
And Mold Fungi And Possible Asbestos Dust Particles.

Dear OSHA

There is a serious and dangerous situation that is cause  
by dangerous dust particles of dust and Mold Fungi and Possi-  
ble Asbestos dust particles excessively exiting the Health &  
Air Condition Ducts and Ventilation System and entering the  
cells and day rooms Seven (#7) days and Seven (#7) nights  
a week for twelve (#12) hours, days and nights.

This is a serious and dangerous situation that has been going on for years, and years of build up.

It is more likely that "pass and present inmates" have no ideal of how harmful the excessive flow of dust particles are coming from the dust system and how it has already effected them and have already caused lung problem(s) to them - along with "Tuberculosis Germ(s) ...."

Even many of the correctional officers don't realize the danger to their health because they don't have to be in at the institution here at Pamlico County for twenty (\*24) hours like the inmates ....

I am respectfully requesting that OSHA have this dangerous situation investigated and take the appropriate action to immediate curtail, impend and or alleviate the health risk and afford access to screening for lung disease(s) possible health care access.

I trust that you (OSHA) have your agents to inspect this Institution : Pamlico Correction Institution in Pamlico County, North Carolina ....

Sincerely,

**(b) (6) Privacy**

(b) (6) Privacy

Bayboro, N.C. 28515

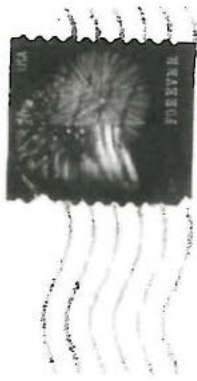
"Legal Mail"

JUL 06 2015

CHARLOTTE NC 282

OFF FROM

JUL 06 2015 PM 5 L



U.S. (EPA) Environmental Protection Agency

Office of Civil Rights

Ariel Rios Building

1200 Pennsylvania Ave., NW, Room 254,

Washington, D.C.

20460



FCL 20217282

20460







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1049

**In Reply Refer to:**

EPA File No. 13U-15-R4

Mr. George Solomon  
Director of Prisons  
North Carolina Department of Public Safety  
831 West Morgan Street  
4260 Mail Service Center  
Raleigh, North Carolina 27699-4260

**Re: Rejection and Referral of Administrative Complaint**

Dear Mr. Solomon:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting a complaint received on June 24, 2015, from an inmate incarcerated at the Pamlico Correctional Institution (Pamlico CI), and is referring it to the U.S. Department of Justice (DOJ). The complaint alleges that Pamlico CI, which is operated by the North Carolina Department of Public Safety (NC DPS), violated indoor clean air statutes because dangerous air particles circulating the Pamlico CI are harming the inmates.

Pursuant to the EPA's nondiscrimination regulations, the OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act or policy with a discriminatory effect based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b). Finally, the complaint must be filed against an applicant for, or a recipient of EPA assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

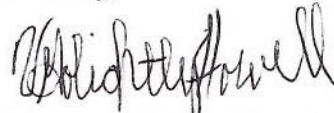
After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's

nondiscrimination regulations. Neither Pamlico CI, nor the NC DPS are applicants for, or recipients of, EPA assistance. Further, the complaint does not allege a discriminatory act or policy that is based on race, color, national origin, sex, age or disability. Therefore, the complaint is not within EPA OCR's investigative jurisdiction, and OCR must reject it.

However, because the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs may have jurisdiction over the allegations in the subject complaint. Therefore, the complaint is being referred to the DOJ for action it deems appropriate. A copy of the letter to DOJ is enclosed with this correspondence. The contact person at DOJ is Mr. Michael Alston. His contact information is U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights, 810 Seventh Street, N.W., Washington, D.C., 20531 at (202) 354-4380.

Enclosed are copies of the complainant's letters for your review. If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosures (3)

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)

(b) (6) Privacy

Bayboro, N.C. 28515

June 17<sup>th</sup>, 2015

U.S. EPA Environmental  
Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. NW, Room 2540  
Washington, D.C. 20460

In re: A Population Over Five Hundred (\*500) Inmates  
Health And Lives Put In Jeopardy And Already  
In Jeopardy Due To Dust And Mold Fungi and Possi-  
ble Asbestos Dust Particles:

Dear EPA

There serious and dangerous situation that may because  
some type of disease spreading through the Heat And Condition  
Ducts and Ventilation System here at the Pamlico Correctional  
Institution in Bayboro, North Carolina, Pamlico County, N.C.

It is more than likely that "pass and present" inmates have no  
ideal of how harmful the excessive flow of dust particles coming  
from the mold fungi and mildew and possible asbestos dust particles



years of build up will affect them and other that they may come in contact with in society after their release from prison.

Many correctional officers don't even recognize the health threat to them by working under these condition (s) twelve (12) hours a day or night.

The Administration personnel have failed to take steps to curtail, impeded or alleviate this health risk because it will cost too much to Flush the Heat And Air Condition, and Ventilation ducts system, although there is more than enough free labor they can use of inmates labor.

I am respectfully requesting that the EPA Civil Rights Office investigate dangerous situation with this environment at this institution, "Pamlico Correctional Institution, Bayboro, N.C. 28515" ..

I trust that you will have an agent(s) to inspect this institution for truthness and order the appropriate action to be taken . . . .

Sincerely,

(b) (6) Privacy

(b) (6) Privacy

Bayboro, N.C. 28515

July 2<sup>nd</sup>, 2015

OSHA

U.S. Dept. of Labor

Occupational Safety And Health Administration

200 Constitution Avenue

Washington, D.C. 20210

In re: A Population Over Five Hundred (#500) Inmates  
Health, Safety And Lives Are In Jeopardy And  
Have Already Been Put Into Jeopardy Due To Dust  
And Mold Fungi And Possible Asbestos Dust Particles.

Dear OSHA

There is a serious and dangerous situation that is cause  
by dangerous dust particles of dust and Mold Fungi and Possi-  
ble Asbestos dust particles excessively exiting the Health &  
Air Condition Ducts and Ventilation System and entering the  
cells and day rooms Seven (#7) days and Seven (#7) nights  
a week for twelve (#12) hours, days and nights .

This is a serious and dangerous situation that has been going on for years, and years of build up.

It is more likely that "pass and present inmates" have no idea of how harmful the excessive flow of dust particles are coming from the duct system and how it has already effected them and have already caused lung problem(s) to them - along with "Tuberculosis Germ(s)...."

Even many of the correctional officers don't realize the danger to their health because they don't have to be in at the institution here at Pamlico County for twenty (24) hours like the inmates....

I am respectfully requesting that OSHA have this dangerous situation investigated and take the appropriate action to immediately curtail, impend and or alleviate the health risk and afford access to screening for lung disease(s) possible health care access.

I trust that you (OSHA) have your agents to inspect this Institution Pamlico Correction Institution in Pamlico County, North Carolina....

Sincerely,

(b) (6) Privacy



(b) (6) Privacy

Bayboro, N.C. 28515

July 2<sup>nd</sup>, 2015

U.S. (EPA) Environmental Protection Agency

Office of Civil Rights

Ariel Rios Building

1200 Pennsylvania Ave., NW, Room 2540

Washington, D.C. 20460

In re: Complaint/Letter Of Complaint To OSHA U.S.  
Dept. of Labor, Occupational Safety And Health  
Administration :

Dear U.S. EPA

Enclosed you will find a accurate and true copy of my Complaint/Letter Of Complaint to "OSHA", because we need all the help we can get even to adequate medical screening for our lungs for symptoms of lung diseases because this prison administration only play word games along along with the medical staff members to avoid ~~pro~~providing adequate and necessary screening and treatment of cut cost over treatment.

JUL 06 2015

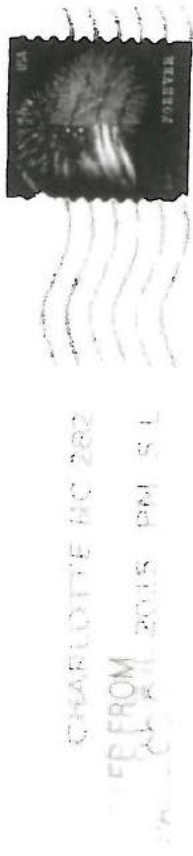
Sincerely,  
(b) (6) Privacy

(b) (6) Privacy

Bayboro, NC. 28515

"Legal Mail"

JUL 06 2015



U.S. (EPA) Environmental Protection Agency

Office of Civil Rights  
Ariel Rios Building

1200 Pennsylvania Ave., NW, Room 254,  
Washington, D.C.

20460



20460



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

March 17, 2017

**Return Receipt Requested**

Certified Mail #: 7015 3010 0001 1267 5324

**In Reply Refer to:**

EPA File No. 14U-15-R3

**(b) (6) Privacy**

Williamson, West Virginia 25561

**Re: Closure of Administrative Complaint**

Dear **(b) (6) Privacy**

On June 24, 2015, U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received your correspondence regarding concerns about damage to your home and property from nearby abandoned mines. In your correspondence, you indicated that you had contacted the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America regarding your property and their involvement in this matter. ECRCO has determined that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements set forth in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

Your original correspondence did not provide ECRCO with enough information to determine whether ECRCO could investigate your concerns. Accordingly, in a letter dated August 27, 2015, ECRCO sought clarification from you about your correspondence. Specifically, ECRCO requested that you provide the following information:

1. A description of the alleged discriminatory act(s) committed by the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and



Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America that violated EPA's nondiscrimination regulations.

2. A description of how the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America discriminated against you and on what basis(es); *e.g.*, race, color, national origin, sex, age or disability.
3. The date(s) of the alleged discriminatory act(s) committed by the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America that occurred within the 180 calendar days of when you filed your complaint (June 17, 2015).

ECRCO received responses from you on September 9, 2015, and December 2, 2015. Your responses, however, did not describe any alleged discriminatory acts or include dates when any alleged discriminatory acts occurred. In other words, you did not state how, when, and on what bases the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America allegedly discriminated against you.

After careful consideration, ECRCO has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Therefore, ECRCO is closing your complaint as of the date of this letter.

ECRCO has been in touch with the following organizations near you that could be of service to you regarding your concerns. Their contact information is as follows:

U.S. Department of the Interior  
Office of Surface Mining Reclamation and Enforcement  
Roger W. Calhoun, Director  
Charleston Field Office  
1027 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 347-7158

West Virginia Environmental Council  
Conni Gratop Lewis  
2207 Washington St E  
Charleston West Virginia 25324  
(304) 543-5811

West Virginia Rivers Coalition  
Angie Rosser  
3501 MacCorkle Ave. SE #129  
Charleston West Virginia 25304  
(304) 637-7201

If you have any questions about this letter, please contact Jonathan Stein of my staff at (202) 564-2088, via email at [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov), or by mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka  
Director  
External Civil Rights Compliance Office  
Office of General Counsel

cc: Kenneth Redden  
Acting Associate General Counsel  
Civil Rights & Finance Law Office

John A. Armstead  
Acting Deputy Regional Administrator  
Acting Deputy Civil Rights Official  
U.S. EPA Region 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 21 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1223

**In Reply Refer to:**

EPA File No 15U-15-R4

**(b) (6) Privacy**

Bayboro, North Carolina 28515

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your complaint on June 30, 2015, alleging that the Eastern Correctional Facility (ECF), the North Carolina Department of Corrections (NCDOC), and the North Carolina Department of Public Safety (NCDPS) failed to remediate friable asbestos in their facilities' insulation. The OCR is rejecting and referring the subject complaint to the Department of Justice's (DOJ) Civil Rights Division, the Department of Labor's Occupational Safety and Health Administration (OSHA), and the North Carolina Health Hazards Control Unit in the Department of Health and Human Services' Division of Public Health (NCHHCU) due to lack of jurisdiction.

The OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) §§ 2000d *et. seq.*, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving, or applying for, Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an

applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.

The OCR is not accepting your allegations for investigation because they do not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, the ECF, the NCDOC, and the NCDPS do not receive or have applied for, EPA financial assistance. Second, allegations must describe an alleged discriminatory act that may violate EPA's nondiscrimination regulations. Therefore, your complaint does not fall within OCR jurisdiction, and we must reject it for investigation. However, due to the circumstances underlying the allegations, the OCR is referring your complaint to the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs, the Occupational Safety and Health Administration (OSHA), and the North Carolina Department of Health and Human Services' Occupational & Environmental Epidemiology, Health Hazards Control Unit (NCHHCU). A copy of the letters to these agencies are enclosed.

Contact information for the DOJ's representative is as follows:

Michael Alston,  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington D.C. 20531.  
Tel: (202) 354-4380; Email: [askOCR@ojp.usdoj](mailto:askOCR@ojp.usdoj)

Contact information for the OSHA's representative is as follows:


Jeff White  
U.S. Dept. of Labor, OSHA  
200 Constitution Avenue, NW  
Room N-3119  
Washington, D.C. 20210.

Contact information for the NCHHCU's representative is as follows:

Grant Turinsky  
OEE, Health Hazards Control Unit,  
Division of Public Health, N.C. Dept of Health and  
Human Services  
1912 Mail Service Center, Raleigh NC. 27699-  
1912.  
Tel: (919) 707-5985

If you have any questions about EPA/OCR's decision to refer the matter to DOJ, OSHA or OEE, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Goughly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 21 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1216

**In Reply Refer to:**

EPA File No 15U-15-R4

Michael Alston  
Director, Office of Civil Rights, Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

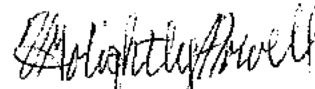
This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint received June 30, 2015, concerning Eastern Correctional Facility (ECF) to your agency due to its lack of jurisdiction. The ECF is operated by the North Carolina Department of Corrections (NCDOC), within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its insulation and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring it for potential further action to the Occupational Safety and Health Administration, the North Carolina Health Hazards Control Unit within the Department of Health and Human Services Division of Public Health, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about EPA/OCR's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at

U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W.,  
Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

**AUG 21 2015**

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1193

**In Reply Refer to:**

EPA File No 15U-15-R4

Mr. Grant Turinsky  
Health Hazards Control Unit  
NC DHHS – Division of Public Health  
1912 Mail Service Center  
Raleigh, North Carolina 27699-1912

**Re: Referral of Administrative Complaint**

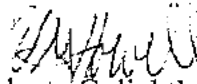
Dear Mr. Turinsky:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring a complaint received June 30, 2015 concerning Eastern Correctional Facility (ECF) to your agency. The ECF is operated by the North Carolina Department of Corrections (NCDOC), within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its facilities' insulation, and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting this complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring this complaint for potential further action to the U.S. Department of Justice, the Occupational Safety and Health Administration, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about OCR's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 21 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1209

**In Reply Refer to:**

EPA File No 15U-15-R4

Jeff White  
OSHA, Directorate of Enforcement Programs  
U.S. Dept. of Labor, OSHA  
Room N-3119  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

**Re: Referral of Administrative Complaint**

Dear Mr. White:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint received on June 30, 2015 concerning Eastern Correctional Facility (ECF) to your agency due to its lack of jurisdiction. The ECF is operated by the North Carolina Department of Corrections (NCDOC) within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its insulation and has exposed inmates working on its domiciliary systems.

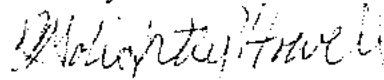
After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring this complaint for potential further action to the U.S. Department of Justice, the North Carolina Health Hazards Control Unit in the Department of Health and Human Services Division of Public Health, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about EPA's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S.



EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W.,  
Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 21 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1216

**In Reply Refer to:**

EPA File No 15U-15-R4

Michael Alston  
Director, Office of Civil Rights, Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

Dear Mr. Alston:

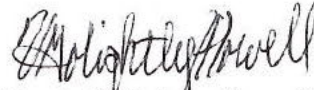
This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint received June 30, 2015, concerning Eastern Correctional Facility (ECF) to your agency due to its lack of jurisdiction. The ECF is operated by the North Carolina Department of Corrections (NCDOC), within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its insulation and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring it for potential further action to the Occupational Safety and Health Administration, the North Carolina Health Hazards Control Unit within the Department of Health and Human Services Division of Public Health, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about EPA/OCR's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at

U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W.,  
Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515

(b) (6) Privacy

Gayboro, NC 27535

6-6-2015

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. N.W. Room 3540  
Washington, DC 20460

Re: Asbestos/Asbestos is in the interior of the ventilation ducts.

Dear US EPA,

I am reporting a hazardous condition that the Dept OPS has at Eastern Correctional Inst., 3400 and possibly the sister Inst., Southern Corr. Inst., 3600, in Troy, NC. Both institutions are housing female inmates, Eastern made the latest transition in August of 2014. Before the transition took place I was held at Eastern Corr. Inst., from 06/27/2006 till 03/26/2014.

As mention above in the reference, the hazardous is Asbestos which is in the maintenance chases and in the ventilation duct system. Due to asbestos insulation which is in the interior part of the ducts, Maintenance has not bother to clean the vents / ducts out of all the dust, dirt and other germs / molds, plus related substances. This has been since the prison was built in 1990, it open in 1992, so it has been 23 years the ducts have accumulated filth. The reason why Maintenance has not bother to clean the ducts is because (1) The labor and expense of the cleaning task. (2) The cleaning

JUN 29 2015



task would be taking a risk of disturbing the asbestos further. Even though a law was passed in the mid 70's of the discontinuance of using Asbestos, the DC/DPS may use ductwork for example, from a building that was torn down that may have been built in the 50's or 60's. Thus if any new pipes, buildings, or structures are built, it's a strong possibility anything that can be use from these torn down places will be used, including out of date, ductwork.

During my 8 years at Eastern, I notice the ventilation was not good, in fact it was very poor and it kept my sinuses inflamed. Also during my time at Eastern I worked in the Maintenance department for 3 1/2 years. In 2008 I was exposed to the Asbestos in the worst way. This happen when the DC/DPS wanted to install a water shut off in all the Maintenance houses so as the water to the showers could be controlled by a timer built in. If a drought occurred, then the showers would only operate at a designated time. I helped install the shut off valves and when I went away the old oil rags wrapped around the copper water pipes, I was exposed to the fullest degree in the shower quarters of the houses. Also being exposed to the ventilation system for 8 years, which I sent a sample out and later was told it had evidence of Asbestos particles in it, the sample was taken from a vent, a piece of the insulation must have come loose and wedged in the vent. I tried to have the person whom inform me to send a lab report from the lab technicians, but I never attained one.

Enclosed with this report are Asbestos samples. By the NC DC/DPS exposing me to bad health hazardous conditions, I'm allowed to receive any kind of compensation or punitive damages. Also enclosed are grievance complaints I wrote on Eastern 21, on 06/06/2011. Note: I did not have copies of grievances or have



Page 3 of 4

allowing to have copies made, so I'm able to send to the U.S. EPA. The next page is an  
Verification, plus a Certificate of Service to U.S. EPA And OSHA.

Thank you for your time and efforts in this matter.

Imitate mailing Address  
For

Eastern Cottonwood Identification  
P.O. Box 215  
Mooresville, NC 28554

Eastern Cotton Location  
3400 Eastern CT

2821 Hwy 900 North  
Mooresville, NC 28554

Sincerely,

(b) (6) Privacy

State of North Carolina  
County of PAMLICO

Page 4 of 4

Complainant's Verification  
of the foregoing Complaint

I **(b) (6) Privacy** being first duly sworn, depose and say that I am the complainant in the above matter, that I have read the foregoing Complaint and the facts stated therein are true of my own knowledge, except as to those matters stated "upon information and belief," I am informed and believe them to be true.

**(b) (6) Privacy**

Complainant's signature

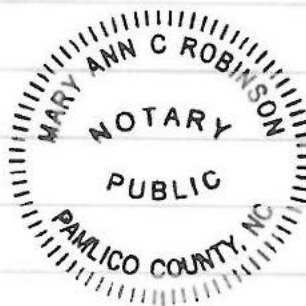
Sworn to and subscribed before me this

10<sup>th</sup> day of June, 2015.

Mary Ann C Robinson

Notary Public

My commission expires: 2-26-2020



Certificate of Service

This is to certify that the foregoing Complaint has been duly served upon the following by placing a copy of same in the United States Mail, postage prepaid, and properly addressed as follows:

CSHA  
US Dept. of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue  
Washington, DC 20210

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. NW, Room 3540  
Washington, DC 20460

This the 10 day of June, 2015

**(b) (6) Privacy**

Complainant's signature





**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

**Step One - Unit Response**

20. Grievance No.: 3400-TT-EC176

22. Inmate No.: (b) (6) Privacy

21. Inmate Name: (b) (6) Privacy

**23. Grievance Response (Item #25 to be completed within 15 calendar days of date in item #17):**

It appears your concern is to have Maintenance clean the ventilation system/air ducts for a cleaner environment. I C/O T. Cannon asked your Unit Manager Mr. Dunn if you have spoken to him concerning your concern on the ventilation system and he stated "no". An Indoor Air Quality Industrial Hygiene Survey was conducted on May 20, 2011 by Mr. John Hodge, Safety Consultant and Mw. Robyn Hansen, Safety Consultant. The heating ventilation and air conditioning systems of the housing units were checked. The preventive maintenance schedule was reviewed for air handling systems. The air handling systems were in good condition with an established preventive maintenance schedule, which included bi-weekly changing of air filters in the return air duct; checking the motors, belts and controls of the air handler equipment bi-weekly; and changing the filters in the handlers monthly. The preventive maintenance schedule was the same for air handling units serving other administrative and support areas of the institution. The mechanical rooms were clean and dry. No Moisture problems were observed. I hope this clarifies your concern, if not follow up with your Unit Manager, and discuss with him your concerns in order to initiate a work order.

24. Date: 6-15-11

25. C/O T. Cannon  
Superintendent Signature26. (A) ☐ Agree with grievance response(B) ☒ Appeal to Step Two (24-hour limit)

27. Date: 6-15-11

28. (b) (6) Privacy  
Inmate Signature**Step Two - Area/Complex/Institution Response****29. Step two response (Item #31 to be completed within 20 calendar days of date in item #27):**

Step one response is appropriate, no further action is necessary.

30. Date: July 5, 2011

31. William P. Hall  
Administrator Signature32. (A) ☐ Agree with grievance response(B) ☒ Appeal to Secretary, DOC (24-hour limit)

33. Date: 7-5-11

34. (b) (6) Privacy  
Inmate Signature



(Reply to grievance)

**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

1. Inmate Name: **(b) (6) Privacy** 2. Inmate OPUS No.: **(b) (6) Privacy**  
 3. Location: (5400) Fike-C-10-up 4. Date: 6-15-11

5. Grievance Statement: This is a reply on the grievance I signed to step 2, concerning the ventilation system. In the little time I had from the school break, I read staff's reported answer quickly, signed it and left to go back to school. Everything listed in staff's reply is probably very well true, and the two names mentioned, I assume are state inspectors that gave ~~approval~~ the okay approval. As mentioned of the air flow being adequate / sufficient does not change the fact that the ducts are dirty, dusty, and the bottom floor of ducts is consumed / covered with inches of lint, laced with dirt, dust, and other foreign / alien "germs" due to not being cleaned out - Ever.

6. What remedy would resolve your grievance?: \_\_\_\_\_

7. Inmate Signature: **(b) (6) Privacy**

OFFICIAL USE

8. Date received: 6/16/11 9. [Signature]  
 Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1 / 1 12. \_\_\_\_\_  
 Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

- |                                    |                                |                                |
|------------------------------------|--------------------------------|--------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision  | C. Appeals disciplinary action |
| D. Action not yet taken            | E. Exceeds 1 year time limit   | F. Remedy for another inmate   |
| G. More than one incident          | H. ARP procedures not followed | I. Violates Disciplinary C2    |
| J. Beyond control of DOC           |                                |                                |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 1 / 1 16. \_\_\_\_\_  
 Screening Officer Signature

17. Date accepted: 6/16/11 18. \_\_\_\_\_  
 Screening Officer Signature

19. Grievance No.

DEPT 501  
340-146076



## NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA  
BEVERLY EAVES PERDUE  
GOVERNOR

FINESSE G. COUCH  
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD  
MSC 4207, Raleigh, NC 27699-4207

Administrative Remedy Procedure

REV. REGINALD E. MIDGETTE, SR.  
CHAIRMAN

MEMBERS  
LUCIEN CAPONE, III, ESQ.  
HAROLD L. POLLOCK, ESQ.  
MATTHEW ROUSE, JR., D.H.L.  
ROGER SMITH, JR., ESQ.

Step Three

16. Inmate Name

(b) (6) Privacy

16. USA Grievance No. 092

17. Date

17. Received

(b) (6) Privacy

17. Unit/Grievance No. 30451/02/173

18. Location: Prison #

700

18. Date Received: 7/7/2011

19. GRIEVANCE EXAMINER: Findings and Recommendations

Staff noted that the grievance of inmate, [REDACTED] at Eastern Correctional Institution. He alleges that the unit supervisor Spayton was not disciplined properly.

Staff responses indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

The examiner has carefully reviewed the grievance and the response given by staff on the DC-410B responses. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I agree the facts found by the staff investigator.

On this record, the inmate's allegations are unconvincingly supported. Thus, the grievance is dismissed for lack of convincing evidence.

42. Date: 7-2-2011

43.

Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A &amp; DC-410B) to location of final action.

cc: [ ] Unit Superintendent

This is a copy I took from (b) (6) Privacy that he turn in on state prison -

DC-410 (Rev. 6/08)

NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE

Copy From:

1. Inmate Name: (b) (6) Privacy 2. Inmate OPUS No.: —

3. Location: Eastern - F-A-C 4. Date: 5-23-11

5. Grievance Statement: There are vents that have not been cleaned of paint such as in the circle where control heaters are located in units. When vents are cleaned of paint they are painted over again which defeats the purpose. There are intake vents coming off the ventilation ducts that need cleaning or replaced due to obstructing airflow. Air ducts still need cleaning to rid of dust and other harmful products. There are exhaust fans in need of repair or replacement due to exhaust system not operating properly.

6. What remedy would resolve your grievance?: Clean HVAC system, clean all vents, and repair or replace exhaust system.

7. Inmate Signature: I, (b) (6) Privacy copy this from a Grievance statement (b) (6) Privacy turn in,

OFFICIAL USE ON 5-23-11

8. Date received: 1 / 1 9. Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1 / 1 12. Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

A. State or Federal Court Decision  
D. Action not yet taken  
G. More than one incident  
J. Beyond control of DOC

B. Parole Commission Decision  
E. Exceeds 1 year time limit  
H. ARP procedures not followed

C. Appeals disciplinary action  
F. Remedy for another inmate  
I. Violates Disciplinary C2

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 1 / 1 16. Screening Officer Signature

17. Date accepted: 1 / 1 18. Screening Officer Signature

19. Grievance No.

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.  
Distribution: White to point of final disposition; Blue for Unit record; Green to inmate.

(b) (6) Privacy

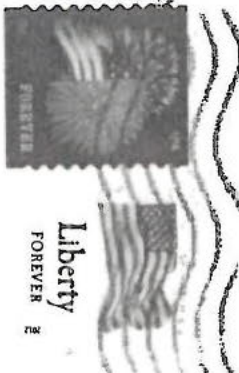
Bayboro, NC 28515



JUN 9 2014

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. NW, Room 2546  
Washington, DC 20460

GREENSBORO NC 274  
PRODUCTION TRAIL AND  
23 JUN 2015 PM 3:1



20460







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

**AUG 21 2015**

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1193

**In Reply Refer to:**

EPA File No 15U-15-R4

Mr. Grant Turinsky  
Health Hazards Control Unit  
NC DHHS – Division of Public Health  
1912 Mail Service Center  
Raleigh, North Carolina 27699-1912

**Re: Referral of Administrative Complaint**

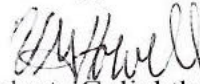
Dear Mr. Turinsky:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring a complaint received June 30, 2015 concerning Eastern Correctional Facility (ECF) to your agency. The ECF is operated by the North Carolina Department of Corrections (NCDOC), within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its facilities' insulation, and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting this complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring this complaint for potential further action to the U.S. Department of Justice, the Occupational Safety and Health Administration, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about OCR's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515



(b) (6) Privacy

Bayboro, NC 28515

6-6-2015

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. N.W. Room 3540  
Washington, DC 20460

Re: Asbestos/Asbestos is in the interior of the ventilation ducts.

Dear US EPA,

I am reporting a hazardous condition that the DOC/OPS has at Eastern Correctional Inst., 3400 and possibly the sister Inst., Southern Corr. Inst., 3600, in Troy, NC. Both institutions are housing female inmates, Eastern made the latest transition in August of 2014. Before the transition took place I was held at Eastern Corr. Inst., from 06/27/2006 till 03/26/2014.

As mentioned above in the reference, the hazardous is Asbestos which is in the maintenance chases and in the ventilation duct system. Due to asbestos insulation which is in the interior part of the ducts, Maintenance has not bother to clean the vents/ducts out of all the dust, dirt and other germs/molds, plus related substances. This has been since the prison was built in 1980, it open in 1982, so it has been 33 years the ducts have accumulated filth. The reason why Maintenance has not bother to clean the ducts is because (1) The labor and expense of the cleaning task. (2) The shaming

JUN 29 2015

task would be taking a risk of disturbing the asbestos further. Even though a law was passed in the mid 70's of the discontinuous of using Asbestos, the DEC/DPS may use ductwork for example, from a building that was torn down that may have been built in the 50's or 60's. Thus if any new pieces, buildings, or structures are built, it's a strong possibility anything that can be use from these torn down places will be used, including out of date ductwork.

During my 8 years at Eastern, I notice the ventilation was not good, in fact it was very poor and it kept my sinuses inflamed. Also during my time at Eastern I worked in the Maintenance department for 3 1/2 years. In 2003 I was exposed to the Asbestos in the worst way. This happen when the DEC/DPS wanted to install a water shut off in all the Maintenance houses so as the water to the showers could be controlled by a timer built in. If a drought occurred, then the showers would only operate at a designated time. I helped install the shut off valves and when I cut away the old coil walls wrapped around the copper water pipes, I was exposed to the highest degree in the close quarters of the houses. Also being exposed to the ventilation system for 8 years, which I sent a sample out and later was told it had evidence of Asbestos particles in it, the sample was taken from a vent, a piece of the insulation must have come loose and wedged in the vent. I tried to have the person whom inform me to send a lab report from the lab technician, but I never attained one.

Enclosed with this report are asbestos samples. By the NC DEC/DPS exposing me to bad health hazardous conditions, I'm I allowed to receive any kind of compensation or positive damages. Also enclosed are grievance complaints I wrote on Eastern CO, on 6/26/2011. Note: I did not have copies of grievances or have

Page 3 of 4

and way to have copies made, so I'm only able to send to the U.S. EPA. The next page is an  
Verification, plus a Certificate of Service to U.S. EPA. And DSHA.

Thank you for your time and efforts in this matter.

Imitate mailing Address  
for  
Eastern Cottonwood Institution  
P.O. Box 215  
Mooresville, NC 28554

Eastern Prison Location  
3400 Eastern CT  
2821 Hwy 902 North  
Mooresville, NC 28554

Sincerely,

(b) (6) Privacy

Complainant's Verification  
of the foregoing Complaint

I **(b) (6) Privacy** being first duly sworn, depose and say that I am the complainant in the above matter, that I have read the foregoing Complaint and the facts stated therein are true of my own knowledge, except as to those matters stated "upon information and belief," I am informed and believe them to be true.

**(b) (6) Privacy**

Complainant's Signature

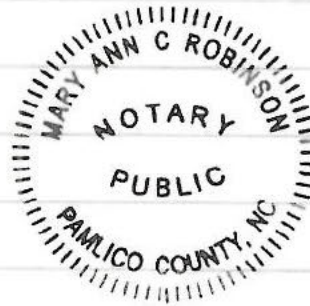
Sworn to and subscribed before me this

10<sup>th</sup> day of June, 2015

Mary Ann C Robinson

Notary Public

My commission expires: 2-26-2020



Certificate of Service

This is to certify that the foregoing Complaint has been duly served upon the following by placing a copy of same in the United States Mail, postage prepaid, and properly addressed as follows:

OSHA  
U.S. Dept. of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue  
Washington, DC 20210

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. N.W. Room 2540  
Washington, DC 20460

This the 10 day of June, 2015

**(b) (6) Privacy**

Complainant's Signature



**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

1. Inmate Name: **(b) (6) Privacy** 2. Inmate OPUS No.: **(b) (6) Privacy**  
3. Location: 10-44 4. Date: 6-6-11

5. Grievance Statement: I am complaining that the ventilation system in the cell is not working properly, that is to the point where it is not pulling through the air ducts at all the ducts, but, and also you can feel the heat. It is not much to mention good maintenance either. We have a chair maintenance, with standard rule. Maintenance would also find out by changing the much needed ducts will take a lot of the stress and heat off the cell. There is no need for this. I would think this would be the best maintenance since he claims health issues such as for the removal of the removal of shirts while outside.

6. What remedy would resolve your grievance?: To have Maintenance change the ventilation system for ducts which is very crucial.

7. Inmate Signature: **(b) (6) Privacy**

**OFFICIAL USE**

8. Date received: 6/7/11 9. [Signature]  
Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1/1 12. [Signature]  
Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

- |                                    |                                |                                |
|------------------------------------|--------------------------------|--------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision  | C. Appeals disciplinary action |
| D. Action not yet taken            | E. Exceeds 1 year time limit   | F. Remedy for another inmate   |
| G. More than one incident          | H. ARP procedures not followed | I. Violates Disciplinary C2    |
| J. Beyond control of DOC           |                                |                                |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 1/1 16. [Signature]  
Screening Officer Signature

17. Date accepted: 6/7/11 18. [Signature]  
Screening Officer Signature

19. Grievance No.

3400-11 EC 174

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.

Distribution: White to point of final disposition; Blue for Unit record; Green to inmate.

JUN 9 2011



**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

**Step One - Unit Response**

20. Grievance No.: 3400-11-EC176

21. Inmate Name: (b) (6) Privacy

22. Inmate No.: (b) (6) Privacy

**23. Grievance Response (Item #25 to be completed within 15 calendar days of date in item #17):**

It appears your concern is to have Maintenance clean the ventilation system/air ducts for a cleaner environment. I C/O T. Cannon asked your Unit Manager Mr. Dunn if you have spoken to him concerning your concern on the ventilation system and he stated "no". An Indoor Air Quality Industrial Hygiene Survey was conducted on May 20, 2011 by Mr. John Hodge, Safety Consultant and Mw. Robyn Hansen, Safety Consultant. The heating ventilation and air conditioning systems of the housing units were checked. The preventive maintenance schedule was reviewed for air handling systems. The air handling systems were in good condition with an established preventive maintenance schedule, which included bi-weekly changing of air filters in the return air duct; checking the motors, belts and controls of the air handler equipment bi-weekly; and changing the filters in the handlers monthly. The preventive maintenance schedule was the same for air handling units serving other administrative and support areas of the institution. The mechanical rooms were clean and dry. No Moisture problems were observed. I hope this clarifies your concern, if not follow up with your Unit Manager, and discuss with him your concerns in order to initiate a work order.

24. Date: 6-15-11

25. Superintendent Signature

26. (A) ☐ Agree with grievance response(B) ☒ Appeal to Step Two (24-hour limit)

27. Date: 6-15-11

28. (b) (6) Privacy  
Inmate Signature**Step Two - Area/Complex/Institution Response****29. Step two response (Item #31 to be completed within 20 calendar days of date in item #27):**

Step one response is appropriate, no further action is necessary.

30. Date: July 5, 2011

31. Administrator Signature

32. (A) ☐ Agree with grievance response(B) ☒ Appeal to Secretary, DOC (24-hour limit)

33. Date: 7-5-11

34. (b) (6) Privacy  
Inmate Signature



(Reply to grievance)

**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

1. Inmate Name: **(b) (6) Privacy** 2. Inmate OPUS No.: **(b) (6) Privacy**

3. Location: (340) FIRE-C-10-up 4. Date: 6-15-11

5. Grievance Statement: This is a reply on the grievance I signed to step 2, concerning the ventilation system. In the little time I had from the school break, I read staff's reported answer quickly, signed it and left to go back to school. Everything listed in staff's reply is probably very well true, and the two names mentioned, I assume are state inspectors that gave ~~approval~~ the okay approval. As mentioned of the air flow being adequate / sufficient does not change the fact that the ducts are dirty, dusty, and the bottom floor of ducts is consumed / covered with inches of lint, laced with dirt, dust, and other foreign / alien "germs" due to not being cleaned out - Ever.

6. What remedy would resolve your grievance?: \_\_\_\_\_

7. Inmate Signature: **(b) (6) Privacy**

OFFICIAL USE

8. Date received: 6/16/11 9. JOY COOPER

Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1 / 1 12. \_\_\_\_\_

Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

- |                                    |                                |                                |
|------------------------------------|--------------------------------|--------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision  | C. Appeals disciplinary action |
| D. Action not yet taken            | E. Exceeds 1 year time limit   | F. Remedy for another inmate   |
| G. More than one incident          | H. ARP procedures not followed | I. Violates Disciplinary C2    |
| J. Beyond control of DOC           |                                |                                |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 1 / 1 16. \_\_\_\_\_

Screening Officer Signature

17. Date accepted: 6 / 16 / 11 18. \_\_\_\_\_

Screening Officer Signature

19. Grievance No.

RESPONSE 571  
3400-11-EC-176

## NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA  
BEVERLY EAVES PERDUE  
GOVERNOR

FINESSE G. COUCH  
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD  
MSC 4207, Raleigh, NC 27699-4207

**Administrative Remedy Procedure**

REV. REGINALD E. MIDGETTE, SR.  
CHAIRMAN

MEMBERS  
LUCIEN CAPONE, III, ESQ.  
HAROLD L. POLLOCK, ESQ.  
MATTHEW ROUSE, JR., D.H.L.  
ROGER SMITH, JR., ESQ.

**Step Three**

17. Grievant Name: (b) (6) Privacy

18. Unit:

19. CSB Grievance No.: 601

20. Grievance No.:

(b) (6) Privacy

21. Unit Grievance No.: 3406100174

22. Location: Eastern CI

2304

23. Date Received: 7/7/2017

24. GRIEVANCE EXAMINER: Findings and Remedial Order

Grievant filed the grievance on July 6, 2017 at Eastern Correctional Institution. He alleges that the air ventilation system was not maintained properly.

Staff responses indicated that an investigation of the inmate's complaint was conducted. Staff indicated that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

The examiner has carefully reviewed the grievance and the response given by staff to the Grievant's response. From this review, I am convinced that staff has adequately addressed the inmate's grievance concerns. I affirm this finding by the staff investigator.

On this record, the inmate's objections are sufficiently supported. Thus, the grievance is dismissed for lack of supporting evidence.

42. Date: 8/1/2017

43.   
Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A & DC-410B) to location of final action.

cc: [ ] Unit Superintendent



This is a copy I took from (b) (6) Privacy that he turn in on state prison

DC-410 (Rev. 6/08)

NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE

Copy From:

1. Inmate Name: (b) (6) Privacy 2. Inmate OPUS No.: —

3. Location: Eastern - Prison C 4. Date: 5-23-11

5. Grievance Statement: There are vents that have not been cleaned of paint such as in the circle where control heaters are located in units. When vents are cleaned of paint they are painted over again which defeats the purpose. There are intake vents coming off the ventilation ducts that need cleaning or replaced due to obstruction in them. Air ducts still need cleaning to rid of dust and other harmful products. There are exhaust fans in need of repair or replacement due to exhaust system not operating properly.

6. What remedy would resolve your grievance?: Clean HVAC system, clean all vents, and repair or replace exhaust system.

7. Inmate Signature: I, (b) (6) Privacy Copy this from a Grievance statement (b) (6) Privacy turn in,

OFFICIAL USE ON 5-23-11

8. Date received: 1 / 1 9. Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1 / 1 12. Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code)

- |                                    |                                |                                |
|------------------------------------|--------------------------------|--------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision  | C. Appeals disciplinary action |
| D. Action not yet taken            | E. Exceeds 1 year time limit   | F. Remedy for another inmate   |
| G. More than one incident          | H. ARP procedures not followed | I. Violates Disciplinary C2    |
| J. Beyond control of DOC           |                                |                                |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification:

15. Date rejected: 1 / 1 16. Screening Officer Signature

17. Date accepted: 1 / 1 18. Screening Officer Signature

19. Grievance No.

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.  
Distribution: White to point of final disposition; Blue for Unit record; Green to Inmate.



(b) (6) Privacy

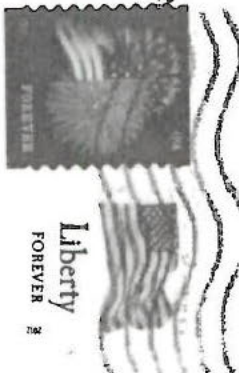
Bayboro, NC 28515



JUN 29 2014

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave NW, Room 2540  
Washington, DC 20460

GREENSBORO NC 274  
PROTON TREAD ANAL  
23 JUN 2015 PM 3 L



20460





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 21 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1209

**In Reply Refer to:**

EPA File No 15U-15-R4

Jeff White  
OSHA, Directorate of Enforcement Programs  
U.S. Dept. of Labor, OSHA  
Room N-3119  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

**Re: Referral of Administrative Complaint**

Dear Mr. White:

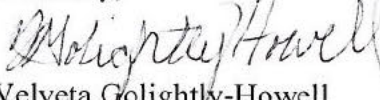
This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint received on June 30, 2015 concerning Eastern Correctional Facility (ECF) to your agency due to its lack of jurisdiction. The ECF is operated by the North Carolina Department of Corrections (NCDOC) within the North Carolina Department of Public Safety (NCDPS). The complaint contains allegations that the facility has failed to remediate friable asbestos in its insulation and has exposed inmates working on its domiciliary systems.

After careful review, the OCR is rejecting the subject complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, ECF, NCDOC or the NCDPS is an applicant for, or recipient of, EPA financial assistance. Second, the complaint does not allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, the OCR is referring this complaint for potential further action to the U.S. Department of Justice, the North Carolina Health Hazards Control Unit in the Department of Health and Human Services Division of Public Health, and your office. We have notified the Complainant that his complaint has been forwarded to your office and provided your contact information. With this referral, the complaint is enclosed.

If you have any questions about EPA's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or via mail at U.S.

EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W.,  
Washington, D.C., 20460.

Sincerely,

  
Velveta Golightly-Howell  
Director

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Ken Lapierre  
Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

Vickie Tellis  
Deputy Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Bayboro, North Carolina 28515

(b) (6) Privacy

Bayboro, NC 28515

6-6-2015

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. NW Room 3540  
Washington, DC 20460

Re: Asbestos / Asbestos is in the interior of the ventilation ducts.

Dear US EPA,

I am reporting a hazardous condition that the DOC/OPS has at Eastern Correctional Inst., 3400 and possibly the sister Inst., Southern Corr. Inst., 3600, in Troy, NC. Both institutions are housing female inmates, Eastern made the latest transition in August of 2014. Before the transition took place I was held at Eastern Corr. Inst., from 06/27/2006 till 03/26/2014.

As mentioned above in the reference, the hazardous is Asbestos which is in the maintenance chases and in the ventilation duct system. Due to Asbestos insulation which is in the interior part of the ducts, Maintenance has not bother to clean the vents / ducts out of all the dust, dirt and other germs / molds, plus related substances. This has been since the prison was built in 1950, it open in 1982, so it has been 33 years the ducts have accumulated filth. The reason why Maintenance has not bother to clean the ducts is because (1) The labor and expense of the cleaning task. (2) The sharing

JUN 29 2015



task would be taking a risk of disturbing the Asbestos further. Even though a law was passed in the mid 70's of the discontinuous of using Asbestos, the DC/DPS may use ductwork for example, from a building that was torn down that may have been built in the 50's or 60's. Thus if any new pieces, buildings, or structures are built, it's a strong possibility anything that can be use from these torn down places will be used, including out of date, ductwork.

During my 8 years at Eastern, I notice the ventilation was not good, in fact it was very poor and it kept my sinuses inflamed. Also during my time at Eastern I worked in the Maintenance department for 2 1/2 years. In 2008 I was exposed to the Asbestos in the worst way. This happen when the DC/DPS wanted to install a water shut off in all the maintenance chases so as the water to the showers could be controlled by a timer built in. If a drought occurred, then the showers would only operate at a designated time. I helped install the shut off valves and when I cut away the old old walls wrapped around the copper water pipes, I was exposed to the full extent of the asbestos in the chases. Also being exposed to the ventilation system for 8 years, which I sent a sample out and later was told it had evidence of Asbestos particles in it, the sample was taken from a vent, a piece of the insulation must have come loose and wedged in the vent. I tried to have the person whom inform me to send a lab report from the lab technician, but I never attained one.

Enclosed with this report are asbestos samples. By the NC DC/DPS exposing me to bad health hazardous conditions, I'm I allowed to receive any kind of compensation or punitive damages. Also enclosed are grievance complaints I wrote on Eastern IL, on 06/06/2011. Note: I did not have copies of grievances or have

Page 3 of 4

answering to have copies made, so I'm only able to send to the U.S. EPA. The next page is an  
Verification, plus a Certificate of Service to U.S. EPA and OSHA.

Thank you for your time and efforts in this matter.

Imitate mailing Address  
for  
Eastern Cottonwood Institution  
P.O. Box 215  
Murry, NC 28554

Eastern Pith Location  
3400 Eastern CT  
2821 Hwy 902 North  
Murry, NC 28554

Sincerely,

(b) (6) Privacy

State of North Carolina  
County of PAMLICO

Page 4 of 4

Complainant's Verification  
of the foregoing Complaint

I **(b) (6) Privacy** being first duly sworn, depose and say that I am the complainant in the above matter, that I have read the foregoing Complaint and the facts stated therein are true of my own knowledge, except as to those matters stated "upon information and belief," I am informed and believe them to be true.

**(b) (6) Privacy**

Complainant's signature

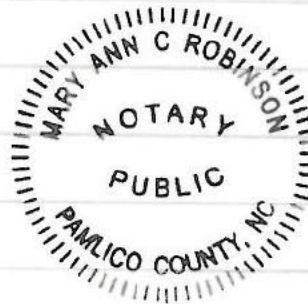
Sworn to and subscribed before me this

10th day of June, 2015.

Mary Ann C Robinson

Notary Public

My commission expires: 2-16-2020



Certificate of Service

This is to certify that the foregoing Complaint has been duly served upon the following by placing a copy of same in the United States Mail, postage prepaid, and properly addressed as follows:

OSHA  
US Dept. of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue  
Washington, DC 20210

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave. N.W. Room 2540  
Washington, DC 20460

This the 10 day of June, 2015

**(b) (6) Privacy**

Complainant's signature



5. Grievance Statement:

6. What remedy would resolve your grievance?: To have Maidenease change the verdict.

7. Inmate Signature: (b) (6) Privacy

8. Date received: 6/7/11 9. 101-9-1022

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed:     /    /    

12.   

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

- |                                    |                                |                                |
|------------------------------------|--------------------------------|--------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision  | C. Appeals disciplinary action |
| D. Action not yet taken            | E. Exceeds 1 year time limit   | F. Remedy for another inmate   |
| G. More than one incident          | H. ARP procedures not followed | I. Violates Disciplinary C2    |
| J. Beyond control of DOC           |                                |                                |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification:

15. Date rejected: 1/1 16. 1/1

17. Date accepted: 1/1/18 18.

Screening Officer Signature \_\_\_\_\_

19. Grievance No. \_\_\_\_\_

**Distribution:** White to point of final disposition; Blue for Unit record; Green to inmate.

JUN 29 2015



**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

**Step One - Unit Response**

20. Grievance No.: 3400-IT-EC176

(b) (6) Privacy

21. Inmate Name: \_\_\_\_\_

22. Inmate No.: (b) (6) Privacy

**23. Grievance Response (Item #25 to be completed within 15 calendar days of date in item #17):**

It appears your concern is to have Maintenance clean the ventilation system/air ducts for a cleaner environment. I C/O T. Cannon asked your Unit Manager Mr. Dunn if you have spoken to him concerning your concern on the ventilation system and he stated "no". An Indoor Air Quality Industrial Hygiene Survey was conducted on May 20, 2011 by Mr. John Hodge, Safety Consultant and Mw. Robyn Hansen, Safety Consultant. The heating ventilation and air conditioning systems of the housing units were checked. The preventive maintenance schedule was reviewed for air handling systems. The air handling systems were in good condition with an established preventive maintenance schedule, which included bi-weekly changing of air filters in the return air duct; checking the motors, belts and controls of the air handler equipment bi-weekly; and changing the filters in the handlers monthly. The preventive maintenance schedule was the same for air handling units serving other administrative and support areas of the institution. The mechanical rooms were clean and dry. No Moisture problems were observed. I hope this clarifies your concern, if not follow up with your Unit Manager, and discuss with him your concerns in order to initiate a work order.

24. Date: June 15, 2011

25. \_\_\_\_\_

Superintendent Signature

26. (A) \_\_\_\_\_ Agree with grievance response

(B) \_\_\_\_\_ Appeal to Step Two (24-hour limit)

27. Date: 6-15-11

28. (b) (6) Privacy

Inmate Signature

**Step Two - Area/Complex/Institution Response****29. Step two response (Item #31 to be completed within 20 calendar days of date in item #27):**

Step one response is appropriate, no further action is necessary.

30. Date: July 5, 2011

31. \_\_\_\_\_

Administrator Signature

32. (A) \_\_\_\_\_ Agree with grievance response

(B) \_\_\_\_\_ Appeal to Secretary, DOC (24-hour limit)

33. Date: 7-5-11

34. (b) (6) Privacy

Inmate Signature



(Reply to grievance)

NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE

1. Inmate Name: (b) (6) Privacy 2. Inmate OPUS No.: (b) (6) Privacy

3. Location: (340) FIVE C-10-UP 4. Date: 6-15-11

5. Grievance Statement: This is a reply on the grievance I signed to step 2, concerning the ventilation system. In the fifth time I had from the school break, I read staff's reported answer quickly, signed it and left to go back to school. Everything listed in staff's reply is probably very well true. And the two names mention, I assume are state inspectors that gave ~~approval~~ the okay approval. As mentioned of the air flow being adequate / sufficient does not change the fact that the ducts are dirty, dusty, and the bottom floor of ducts is consumed / covered with inches of lint, faced with dirt, dust, and other foreign / alien "germs" due to not being cleaned out - Ever.

6. What remedy would resolve your grievance?:

7. Inmate Signature: (b) (6) Privacy

OFFICIAL USE

8. Date received: 6/16/11 9. [Signature]

Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 7/1/11 12. [Signature]

Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_

- A. State or Federal Court Decision
- D. Action not yet taken
- G. More than one incident
- J. Beyond control of DOC

- B. Parole Commission Decision
- E. Exceeds 1 year time limit
- H. ARP procedures not followed

- C. Appeals disciplinary action
- F. Remedy for another inmate
- I. Violates Disciplinary C2

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 7/1/11 16. [Signature]

Screening Officer Signature

17. Date accepted: 6/15/11 18. [Signature]

Screening Officer Signature

19. Grievance No.

## NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA  
BEVERLY EAVES PERDUE  
GOVERNOR

FINESSE G. COUCH  
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD  
MSC 4207, Raleigh, NC 27699-4207

Administrative Remedy Procedure

REV. REGINALD E. MIDGETTE, SR.  
CHAIRMAN

MEMBERS  
LUCIEN CAPONE, III, ESQ.  
HAROLD L. POLLOCK, ESQ.  
MATTHEW ROUSE, JR., D.H.L.  
ROGER SMITH, JR., ESQ.

Step Three

36. Inmate Name

(b) (6) Privacy

36. Case/Complaint No. 693

37. Date

38. Inmate #

(b) (6) Privacy

38. Date/Reopening No. 3/20/11/1174

39. Location: Prison #

7401

39. Date/Reopening No. 3/22/11

40. CHAIRMAN'S EXAMINATION: Findings and Recommendations

Staff which conducted the investigation on June 8, 2011 at Eastern Correctional Institution. The report states that the staff investigation system was not conducted properly.

Staff reported indicated that an investigation of the inmate's complaint was conducted. Staff reported that the inmate has not been treated with or outside the scope of correctional policies and procedures.

The examiner has carefully reviewed the evidence and the response given by staff at the CC-100 facilities. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I agree with the findings of the staff investigator.

On this record, the inmate's allegations are insufficiently supported. Thus, the grievance is dismissed for lack of sufficient evidence.

42. Date:

6/8/11

43.

6/8/11

Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A &amp; DC-410B) to location of final action.

cc: [ ] Unit Superintendent



This is a copy I took from (b) (6) Privacy that he turned in on date received

DC-410 (Rev. 6/08)

NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE

Copy From:

1. Inmate Name: (b) (6) Privacy 2. Inmate OPUS No.: \_\_\_\_\_  
3. Location: Eastern - F.A.C. - C 4. Date: 5-23-11  
5. Grievance Statement: There are vents that have not been cleaned of paint such as in the circle where control heaters are located in units. When vents are cleaned of paint they are painted over again which defeats the purpose. There are intake vents coming off the ventilation ducts that need cleaning or replaced due to obstructing airflow. Air ducts still need cleaning to rid of dust and other harmful products. There are exhaust fans in need of repair or replacement due to exhaust system not operating properly.

6. What remedy would resolve your grievance?: Clean HVAC system, clean all vents, and repair or replace exhaust system.

7. Inmate Signature: I, (b) (6) Privacy copy this from a Grievance statement (b) (6) Privacy turn in,

OFFICIAL USE ON 5-23-11

8. Date received: 1 / 1 9. \_\_\_\_\_  
Receiving Officer Signature  
10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.  
11. Date delayed: 1 / 1 12. \_\_\_\_\_  
Screening Officer Signature  
13. The grievance is rejected for the following reason(s): (Enter Code) \_\_\_\_\_  
A. State or Federal Court Decision B. Parole Commission Decision C. Appeals disciplinary action  
D. Action not yet taken E. Exceeds 1 year time limit F. Remedy for another inmate  
G. More than one incident H. ARP procedures not followed I. Violates Disciplinary C2  
J. Beyond control of DOC

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: \_\_\_\_\_

15. Date rejected: 1 / 1 16. \_\_\_\_\_  
Screening Officer Signature  
17. Date accepted: 1 / 1 18. \_\_\_\_\_  
Screening Officer Signature

19. Grievance No.

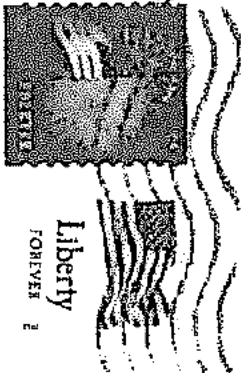
Item #13, 15, or 17 to be completed within 3 calendar days of item #8.  
Distribution: White to point of final disposition; Blue for Unit record; Green to inmate.



(b) (6) Privacy

Bayboro, NC 28515

GREENSBORO NC 274  
POST OFFICE 27400  
23 JUN 2015 PM 3 L

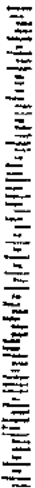


WIN 8 9 2014

U.S. EPA Environmental Protection Agency  
Office of Civil Rights  
Ariel Rios Building  
1200 Pennsylvania Ave NW Room 2540  
Washington, DC 20460

1201A

20450





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

JUL 22 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 1957

**In Reply Refer To:**

EPA File No: 16D-15-R3

**(b) (6) Privacy**

Philadelphia, Pennsylvania 19103

**Re: Rejection and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has rejected your administrative complaint against the South District facility of the Philadelphia County Assistance Office (PCAO) and has referred this complaint to the Office for Civil Rights, U.S. Department of Health and Human Services (HHS). The EPA received the complaint on June 29, 2015. It alleges that PCAO violated several antidiscrimination statutes and regulations, including Title VI of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) §§ 2000d *et seq.*), the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 *et seq.*), and several Pennsylvania State statutes. The conduct at issue allegedly occurred when Ms. Walers, an employee of PCAO, declined to provide you with assistance while you were attempting to switch health insurance policies in order to obtain treatment for your mental health condition.

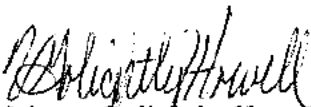
Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120. Finally, the complaint must be filed against an applicant for, or recipient of EPA assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15. The OCR is rejecting your complaint for investigation because it does not meet the jurisdictional requirements.

Your complaint was filed against PCAO, an organization which is neither an applicant for, nor a recipient of, federal assistance from the EPA. Thus, the OCR lacks jurisdiction over it.

Although the OCR is rejecting your complaint, it may describe a Title VI or other violation which falls within the jurisdiction of HHS. Accordingly, the OCR has referred your complaint to the HHS' Office for Civil Rights. The OCR encourages you to direct all of your future correspondence regarding the complaint to:

Ms. Jocelyn Samuels, Director,  
Office for Civil Rights  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W., Room 509F  
Washington, D.C. 20201

Sincerely,

  
Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official  
U.S. EPA, Region III  
(MC 3DA00)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

JUL 22 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1940

**In Reply Refer to:**

EPA File No.: 16D-15-R3

Ms. Jocelyn Samuels, Director  
Office for Civil Rights  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W., Room 509F  
Washington, D.C. 20201

**Re: Referral of Administrative Complaint**

Dear Ms. Samuels:

On June 29, 2015, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received an administrative complaint from (b) (6) Privacy. (b) (6) Privacy alleged that "Ms. Walers," an employee of the Philadelphia County Assistance Office, discriminated against him on the basis of either his race, national origin, or disability status when she failed to assist him with switching his health insurance policy so that he could receive treatment for his mental health condition. (b) (6) Privacy further opined that this behavior constituted a violation of Title VI of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) §§ 2000d *et seq.*) and/or the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*), respectively. A copy of (b) (6) Privacy complaint is enclosed.


Because OCR has responsibility for processing complaints alleging violations of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C. F. R.) Part 7, we assumed for purposes of processing that the subject complaint was premised on either one of the cited statutes or the regulation. However, the OCR has determined that the Philadelphia County Assistance Office is not an applicant for, or a recipient of, the EPA's assistance. Therefore, the complaint does not fall within the EPA's jurisdiction, and the EPA must reject it for investigation. *See* 40 C.F.R. § 7.15.

Because the U.S. Department of Health and Human Services' Office for Civil Rights (HHS) may have subject-matter jurisdiction over the subject complaint, the EPA OCR is referring it to HHS for appropriate action. We have notified (b) (6) Privacy that his complaint has been forwarded to your office and provided him your contact information.



If you have any questions regarding the referral, please contact me at (202) 564-6685 or [Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov) or, alternatively, Samuel Peterson at (202) 564-5393, via email at [Peterson.Samuel@epa.gov](mailto:Peterson.Samuel@epa.gov). You may also reach us by mail at the U.S. EPA, Office of Civil Rights, (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000. Thank you.

Sincerely,

  
Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official, U.S. EPA, Region 3  
(MC 3DA00)

## Hispanic Community Counseling Services

 INTAKE ☒ NEW ☐ REOPEN ☐ TRANSFER  
☐ Self-referred ☐ Referred by

DATE/FECHA: 4/30/15			
Client's Name: Nombre: (b) (6) Privacy		Age: Edad: 36	<input checked="" type="checkbox"/> Adult <input checked="" type="checkbox"/> Male <input type="checkbox"/> Child <input type="checkbox"/> Female
Social Security #: # Seguro Social: (b) (6) Privacy		Date of Birth: Fecha de nacimiento: (b) (6) Privacy	
Ethnicity: Etnicidad:	<input type="checkbox"/> Hispanic/Hispano(a) <input type="checkbox"/> White/Blanco(a) <input type="checkbox"/> African American <input checked="" type="checkbox"/> Other: MIXED	Relationship Status: Estado de Relación Civil:	<input type="checkbox"/> Single/Soltero(a) <input type="checkbox"/> Married/Casado(a) <input type="checkbox"/> Separated/Separado(a) <input type="checkbox"/> Co-habiting/Co-habitando <input checked="" type="checkbox"/> Divorced/Divorciado(a) <input type="checkbox"/> Widowed/Viudo(a)
Primary language: Idioma principal:	<input checked="" type="checkbox"/> English <input type="checkbox"/> Español	Gender/Sexo:	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> LGBTQI
		Religion/ Religión:	N/A
Client Address: Dirección: (b) (6) Privacy		Philadelphia, PA. 19103	Phone #: Teléfono: (b) (6) Privacy
# of person(s) living with client: Número de personas en la casa:	Adults: Adultos: NA	Children: Niños: N/A	Relationship: Relación:
Emergency Contact: Contacto de Emergencia:	Relation: Relación:	Phone: Teléfono:	
Primary Care Doctor: Doctor médico primario:	Dr.:	Address/Agency: Dirección/Agencia:	Phone: Teléfono:
FOR CHILDREN ONLY: (COMPLETE THIS SECTION IF CLIENT IS UNDER AGE 18) PARA NIÑOS SOLAMENTE: (COMPLETE SI ES MENOR DE 18 AÑOS)			
Parent/Padre/Madre Custodial Guardian	Relation: Relación:	Phone: Teléfono:	
DHS Involvement: Envolvimiento de DHS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	School Grade: Grado escolar:	Special Education? Educación Especial?
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> IEP Request?
Client's Therapist Preference: preferencia de Terapeuta:	Language: Idioma:	<input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Either	Gender: Sexo:
		<input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Cualquier	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Other
* FOR CLINIC STAFF USE ONLY: * PARA USO DEL PERSONAL DE LA CLINICA SOLAMENTE:			
Insurance: Seguro:	CIS or MA #:	Living Status Code:	
		Educ/Voc Code:	
Preliminary Axis I Diagnosis:			
Intake Specialist:	Signature:	Start Time:	End Time:
Assigned Therapist:		Appointment Date:	Time:
Clinical Director:		Date:	CBE-A Date:

JUN 29 2015

Pa. Const. Art. 1. Sec. 26: No Discrimination by Commonwealth & Its Political Subdivisions  
Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

Title 42: U.S.C. Sec. 12102: Definition of Disability

Title 28: CFR. Sec. 39.130 – General Prohibitions Against Discrimination

Title 42: U.S.C. Sec. 1983: Civil action for deprivation of rights & inter alia.

Title 42: U.S.C. Sec. 2000d – Prohibition against exclusion from participation in, denial of benefits of & discrimination under federally assisted programs on ground of race, color or national origin.

### **Affidavit of Support**

I, (b) (6) Privacy applied for medical assistant, to enroll in (b) (6) Privacy programs for (b) (6) Privacy disability at Hispanic Community Counseling Service at 3156 Kensington Av. Phila. Pa. 19134.

I was given a medical card Blue Cross Keystone Connect, Member # (b) (6) Privacy, in which the Mental Health Counseling Service (DOESN'T ACCEPTE Keystone Connect).

I Called Keystone Connect: # 1-855-322-0434, to cancel or change the insurance.  
The rep. said, you have to change it at your local county assistance office.

I called Keystone First: # 1800-521-6860. to apply for Keystone First. Because the at Hispanic Community Counseling Service will not except my Keystone Connect, only Keystone First.

I was not aware of all the subdivisions of keystone, that is what makes me incompetent & in life in general, that is why I am seeking (b) (6) Privacy help, A.S.A.P. and this facility fits my needs as a full.

On 15-06-2015, at the Philadelphia County Assistance Office District 2 South, 1163 South Broad St. Phila. Pa. 19147, (215)560-4400, Miss Walers, a customer service rep. I have explained my situation to her at the fullest of my level & she insisted by me to call all this numbers & in response, all the numbers provided, stated, the change must be made at your local county assistant office.

There for, I went back to Miss. Walers, to explain again, & she stated, I can't help you!!!!

All I know is that I am in need of my (b) (6) Privacy  
(b) (6) Privacy at the Hispanic Community Counseling Service at 3156 Kensington Av. Phila. Pa. 19134.

United States v. Olmstead 277 U.S.438

United States v. Jannotti 673 F.2d 578

I, (b) (6) Privacy person actually have a (b) (6) Privacy impairment that substantially limits one or more major life activities are disabled within the meaning of ADA & Rehabilitation Act, See. 42: USC Sec. 12102(2)(a) & W.B. v. Matula 67 F.3d 484, 20 CFR 416.920(d). A person will also be considered disabled if there is a record of such an impairment, 42: USC. Sec. 12102(2)(b).

Respectfully Submitted

Date:

06/18/15

/s/

(b) (6) Privacy

Date:

06-18-2015

/s/

Louie Mouratidis

Louie Mouratidis, A pro se,  
Congressional & Legislative Litigator



SERVICE BY FIRST CLASS MAIL:

From: (b) (6) Privacy  
(b) (6) Privacy  
Phila, Pa. 19103  
Record ID: (b) (6) Privacy

From: Louie Mouratidis, A, Pro se  
Congressional & Legislative Litigator  
11 South 36<sup>th</sup> St.  
Phila, Pa. 19104.

To: F.B.I. Chief Investigator  
Civil Fraud  
600 Arch St. 8<sup>th</sup> Fl  
Phila, Pa. 19106

To: Pennsylvania Office of Attorney General  
Strawberry St.  
Harrisburg, Pa. 17120

To: Philadelphia County  
Assistance Office District 2  
South, 1163 South Broad St.  
Phila. Pa. 19147

To: U.S. Environmental Protection Agency  
Office of Civil Rights  
1200 Pennsylvania Av. N.W. Rm. 2540  
Washington, DC. 20460

To: Pa. Human Relations Comm.  
301 Chestnut St. Suite 300  
Harrisburg, Pa. 17101

To: Pa. Human Relations Comm.  
110 N. 8th St. Suite 501  
Philadelphia, Pa. 19107

To: Director, Office of Civil Rights  
1400 Independence Av. SW.  
Washington, D.C. 20250

To: Citizens Discrimination Complaint  
64 New York, Av. N.E. 6th Fl  
Washington, D.C. 20002

To: U.S. Dept. of Agriculture  
Office of Civil Rights Enforcement  
Reporter's Building, Suite 400  
Mail Stop 9430  
Washington, DC. 20250

To: Commonwealth of Pennsylvania  
Bureau of Hearings & Appeals  
P.O. Box 2675  
2330 Vartan Way, 2<sup>nd</sup> Fl  
Harrisburg, Pa. 17105

To: Secretary of Public Welfare  
Dept. of Public Welfare  
P.O. Box 2675  
Harrisburg, Pa. 17105

To: Keystone Connect  
200 Stevens Drive  
Phila. Pa. 19113

To: Keystone First  
200 Stevens Drive  
Phila. Pa. 19113

Respectfully Submitted

Date: 06/18/15

(b) (6) Privacy  
/s/ (b) (6) Privacy

Date: 06-18-2015

/s/ Louie Mouratidis  
Louie Mouratidis, A pro se,  
Congressional & Legislative Litigator

# PRIORITY MAIL ★

DATE OF DELIVERY SPECIFIED\*

USPS TRACKING™ INCLUDED\*

INSURANCE INCLUDED\*

PICKUP AVAILABLE

\* Domestic only

USED INTERNATIONALLY,  
ITEMS DECLARATION  
MAY BE REQUIRED.

FROM: U.S. Environmental Protection Agency  
Office of Civil Rights  
1200 Pennsylvania Ave. N.W. Rm. 2540  
Washington, D.C. 20460



1201A  
TO: U.S. Environmental Protection Agency  
Office of Civil Rights  
1200 Pennsylvania Ave. N.W. Rm. 2540  
Washington, D.C. 20460

JUN 29 2015



EP14F July 2013

VISIT US AT USPS.COM\*



Postmarking is the property of the U.S. Post Office and is provided solely for use in carrying Priority Mail shipments. Priority Mail is a registered trademark of the United States Postal Service. All rights reserved.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 22 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1964

**In Reply Refer to:**

EPA File No.: 16D-15-R3

Philadelphia County Assistance Office  
South District Office  
1163 S. Broad Street  
Philadelphia, Pennsylvania 19147

**Re: Rejection and Referral of Administrative Complaint**

To Whom It May Concern:

On June 29, 2015, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received an administrative complaint from a Philadelphia resident. The complaint alleged that one "Ms. Walers," an employee of the Philadelphia County Assistance Office who worked at the South District Office, discriminated against the complainant on the basis of his race, national origin, or disability status in violation of either Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, respectively. This violation allegedly occurred when Ms. Walers failed to assist the complainant in switching his health insurance policies so that he could receive treatment for his mental health condition.

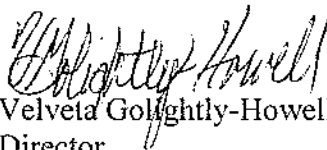
Pursuant to the EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate Agency. *See* 40 Code of Federal Regulations (C.F.R.) § 7.120(d) (1). For a complaint to be accepted for investigation, it must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b) (1). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b) (2). Finally, the complaint must be filed against an applicant for, or a recipient of, the EPA's assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

The Philadelphia County Assistance Office is not an applicant for, or a recipient of, EPA assistance. Since the complaint did not describe discrimination by an applicant for, or recipient of, EPA assistance, it does not fall within the jurisdiction of the EPA. Thus, the OCR has determined that it must reject the complaint for investigation. *See* 40 C.F.R. § 7.15.

However, because the OCR has determined that the allegations described in the subject complaint, if substantiated as true, may constitute violations of federal anti-discrimination laws and because U.S. Department of Health and Human Services (HHS) may have subject-matter jurisdiction to investigate these allegations, the complaint is being referred to HHS for action deemed appropriate. Future contacts regarding it may be directed to:

Ms. Jocelyn Samuels, Director,  
Office for Civil Rights  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W., Room 509F  
Washington, D.C. 20201

Sincerely,

  
Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office  
(MC 2399A)

William Early  
Deputy Civil Rights Official  
U.S. EPA, Region III  
(MC 3DA00)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2015

**Return Receipt Requested**

Certified Mail# 7009 2820 0002 1759 1100

**In Reply Refer to:**

EPA File No. 17X-15-R5

OFFICE OF  
CIVIL RIGHTS

**(b) (6) Privacy**

Rochester, Minnesota 55906

**Re: Destruction of the Rainforest**

Dear **(b) (6) Privacy**

The Office of Civil Rights, U.S. Environmental Protection Agency, (EPA) has received your letter about the rainforest being cut down. Thank you for sharing your concerns about its plants, trees and animals.

At the EPA, our mission is to protect human health and the environment. One of our goals is to make sure that communities where you live and learn are protected. To achieve this goal, we equip students just like you with tools and resources so that you can learn how to help keep the environment safe and clean, while making a difference in your community.

We are excited that, at such a young age, you understand how important it is to protect the environment from being destroyed, and we see how much this means to you. If you would like to learn more about what the EPA is doing to protect human health and the environment, please visit our website at [www2.epa.gov/students](http://www2.epa.gov/students).

Sincerely,

Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard, Assistant General Counsel  
Civil Rights and Finance Law Office (MC 2399A)

Robert Kaplan  
Deputy Civil Rights Official, U.S. EPA Region 5  
(MC R-19J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 20 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1117

**In Reply Refer to:**

EPA File No. 17X-15-R5

**(b) (6) Privacy**

Rochester, Minnesota 55906

**Re: Destruction of the Rainforest**

Dear **(b) (6) Privacy**

The Office of Civil Rights, U.S. Environmental Protection Agency, (EPA) has received your letter about the rainforest being cut down. Thank you for sharing your concerns about its plants, trees and animals.

At the EPA, our mission is to protect human health and the environment. One of our goals is to make sure that communities where you live and learn are protected. To achieve this goal, we equip students just like you with tools and resources so that you can learn how to help keep the environment safe and clean, while making a difference in your community.

We are excited that, at such a young age, you understand how important it is to protect the environment from being destroyed, and we see how much this means to you. If you would like to learn more about what the EPA is doing to protect human health and the environment, please visit our website at [www2.epa.gov/students](http://www2.epa.gov/students).

Sincerely,

Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard, Assistant General Counsel  
Civil Rights and Finance Law Office (MC 2399A)

Robert Kaplan  
Deputy Civil Rights Official, U.S. EPA Region 5  
(MC R-19J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

AUG 10 2015

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1759 2015

**In Reply Refer to:**

EPA File No: 20U-15-R6

**(b) (6) Privacy**

Broken Arrow, Oklahoma 74012

**Re: Notification of Receipt and Rejection of Administrative Complaint**

Dear **(b) (6) Privacy**

This is to notify you that on July 21, 2015 the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received your correspondence (which OCR construes as a complaint), dated July 10, 2015. In this correspondence, you discussed the threat posed by an increasingly severe infestation of bedbugs in your area and how that infestation has adversely affected your family.

The OCR is responsible for processing and investigating complaints alleging discrimination by programs or activities that receive financial assistance from the EPA. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance, who has allegedly committed the discriminatory act.

After careful consideration, the OCR is rejecting your complaint for investigation because it does not meet the stated jurisdictional requirements. The complaint does not describe an act that would amount to discrimination on the basis of race, color, national origin, age, sex, or disability. Additionally, it does not attribute any wrongdoing to a recipient of EPA assistance.

If you have questions regarding this letter, please contact Jeryl Covington of my staff via telephone at (202) 564-7713, via e-mail at [covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office  
(MC 2399A)

Sam Coleman  
Deputy Regional Administrator  
Deputy Civil Rights Official, US EPA Region VI  
(MC 6RA)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 27 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2920 0002 1759 1179

**In Reply Refer to:**

EPA File No 21U-15-R4

**(b) (6) Privacy**

Harvest, Alabama 35749

**Re: Notification of Receipt, Rejection, and Referral of Administrative Complaint**

Dear **(b) (6) Privacy**

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your complaint on July 21, 2015. Your complaint alleged that the employees of Limestone Correctional Facility, which is operated by the Alabama Department of Corrections (ADOC), are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.*, by allowing inmates to smoke hand-rolled cigarettes which results in discrimination against the Limestone inmates.

The OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 United States Code (U.S.C.) §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving or applying for Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, correspondence must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, correspondence must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.

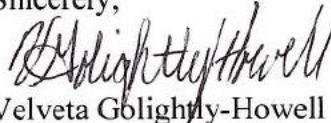
After careful review, the OCR is rejecting your complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's

nondiscrimination regulations. First, neither the Limestone Correctional Facility nor the ADOC is an applicant for, or recipient of, EPA financial assistance. Second, allegations must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations. You do not claim discrimination based on your race, color, national origin, sex, age, or disability status. Therefore, your complaint does not fall within OCR jurisdiction, and OCR must reject it for investigation.

The decision not to investigate the issue above in no way amounts to a decision on the merits. Rather, it means the complaint has not met the jurisdictional criteria. The OCR also notes that this complaint is similar to the administrative complaint you filed on January 26, 2015 (EPA File No. 01R-15-R4). In the former administrative complaint, you also alleged that Limestone Correctional Facility was not enforcing the Alabama Clean Indoor Air Act. Since we rejected and referred that complaint for lack of jurisdiction, we are also rejecting and referring this amended complaint to the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs. A copy of the letter to DOJ is enclosed. The contact at DOJ for the referral of this allegation is Michael Alston. Mr. Alston's contact information is U.S. Department of Justice, 810 Seventh Street N.W., Washington D.C., 20531, (202) 354-4380, askOCR@ojp.usdoj.gov.

If you have any questions, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,



Velveta Golightly-Howell  
Director

Enclosure:

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Vickie Tellis  
Acting Deputy Civil Rights Official/Acting Assistant Regional Administrator  
Region IV  
(MC 9T25)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 27 2015

**Return Receipt Requested**

Certified Mail#:7009 2820 0002 1759 1162

**In Reply Refer to:**

EPA File No 21U-15-R4

OFFICE OF  
CIVIL RIGHTS

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint EPA File Number 21U-15-R4**


Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint that we received on July 21, 2015 from an inmate in Limestone Correctional Facility to your office due to its lack of jurisdiction. The Complainant alleged that Alabama Department of Corrections employees at Limestone (ADOC) are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since neither the Limestone Correctional Facility nor the Alabama Department of Corrections is an applicant for, or recipient of, EPA financial assistance, the inmate's complaint does not fall within the OCR's jurisdiction, and the OCR must reject it for investigation. Additionally, the Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations. The OCR has notified the Complainant that his complaint has been forwarded to your office and provided your contact information.

The OCR also notes that the subject complaint is similar to a former administrative complaint filed on January 26, 2015 (EPA File No. 01R-15-R4). In that administrative complaint, the Complainant also alleged that ADOC was not enforcing the Alabama Clean Indoor Air Act. Since the OCR rejected and referred that complaint to your office for lack of jurisdiction, we are also rejecting and referring this amended complaint.

If you have any questions, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

  
Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Vickie Tellis  
Acting Assistant Regional Administrator, U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Harvest, Alabama 35749





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 27 2015

**Return Receipt Requested**

Certified Mail#:7009 2820 0002 1759 1162

**In Reply Refer to:**

EPA File No 21U-15-R4

OFFICE OF  
CIVIL RIGHTS

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint EPA File Number 21U-15-R4**


Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint that we received on July 21, 2015 from an inmate in Limestone Correctional Facility to your office due to its lack of jurisdiction. The Complainant alleged that Alabama Department of Corrections employees at Limestone (ADOC) are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since neither the Limestone Correctional Facility nor the Alabama Department of Corrections is an applicant for, or recipient of, EPA financial assistance, the inmate's complaint does not fall within the OCR's jurisdiction, and the OCR must reject it for investigation. Additionally, the Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations. The OCR has notified the Complainant that his complaint has been forwarded to your office and provided your contact information.

The OCR also notes that the subject complaint is similar to a former administrative complaint filed on January 26, 2015 (EPA File No. 01R-15-R4). In that administrative complaint, the Complainant also alleged that ADOC was not enforcing the Alabama Clean Indoor Air Act. Since the OCR rejected and referred that complaint to your office for lack of jurisdiction, we are also rejecting and referring this amended complaint.

If you have any questions, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

  
Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Vickie Tellis  
Acting Assistant Regional Administrator, U.S. EPA Region IV  
(MC 9T25)

**(b) (6) Privacy**

Harvest, Alabama 35749

21U-15-R4  
015-R4-021

Complaint  
Copy

JUL 21 2015

7-15-15

DEAR SIR/MADAM:

MAY THIS LETTER FIND YOU  
WELL AND HAVING A GOOD DAY.  
PLEASE HELP US! THE STATE  
OF ALABAMA IS OUT OF CONTROL  
AND CANNOT BE TRUSTED TO  
POLICE OR INVESTIGATE THEM-  
SELVES. ALL OF OUR REQUEST  
FOR HELP HAVE BEEN IGNORED  
BY ALABAMA OFFICIALS AS  
YOU CAN SEE BY THE ENCLOSED  
DOCUMENTS. I HAVE MANY MORE  
SUPPORTING DOCUMENTS THAT CAN  
BE MADE AVAILABLE. YOUR HELP WILL  
BE GREATLY APPRECIATED SINCERELY:

(b) (6) Privacy

HARVEST, AL.

35749

JUL 21 2015

Correspondence is forwarded  
in Alabama State Prison. The Citizens  
Department of Corrections is not  
responsible for the substance or content  
of the enclosed communication.

20460



20460

LEGAL DOCUMENTS

U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CIVIL RIGHTS  
1200 PENNSYLVANIA AVE. RM 3540  
WASHINGTON, D.C.



FCL 20214906

12D1A

BIRMINGHAM AL 350  
15 JUL 2015 PM 4 L





SUSPICIOUS ACTIVITY REPORT  
GRIEVANCE

Case Report No. S.A.R. 2015-009

FAILURE OF ENFORCEMENT OF STATE LAW

TYPE OF INCIDENT: § 22-15A-1 et. seq. AND  
"CERTIFICATE OF OCCUPANCY" FOR STATE BUILDINGS  
NARRATIVE: HOUSING PRISON SYSTEM INMATES WITHIN D.O.

STATE FIRE MARSHAL - ED PAULK AND OTHER FIRE MARSHALS ARE NOT ENFORCING THE STATE LAW § 22-15A-1 et. seq. "ALABAMA CLEAN INDOOR AIR ACT" WITHIN THE ALABAMA PRISON SYSTEM AND IN STATE BUILDINGS HOUSING INMATES. THIS WILL BE ADDRESSED IN A PETITION FOR A WRIT OF MANDAMUS BECAUSE IT SEEMS THAT THIS MATTER IS NOT BEING TAKEN SERIOUSLY BY STATE OFFICIAL RESPONSIBLE FOR ENFORCING SAID LAWS. IT IS REQUESTED THAT THIS AFFIANT BE FURNISHED WITH A COPY OF THE "CERTIFICATE OF OCCUPANCY" FOR EACH PRISON WITHIN THE "ALA. DEPT. OF CORRECTIONS." THESE DOCUMENTS FALL UNDER THE OPEN RECORDS ACT - EX PARTE PERCH 17 So. 3d 649 - 2009 ALA. LEXIS 44 (ALA. 2009) AND ALLEN V. BARKSDALE, 32 So. 3d 1264 (ALA. 2009) WITHIN THE PRISON SYSTEM AT OVER 200% ABOVE CAPACITY - THIS STATE AGENCY IS RESPONSIBLE TO ENFORCE - BUILDING CODES - FIRE CODES AND LIKE LAWS. A MANDAMUS WILL ISSUE TO MAKE STATE OFFICIALS DO THEIR JOB. COURT ORDERS WILL BE COMING IN THE NEAR FUTURE.

(b) (6) Privacy

Name of Affiant (print clearly)

(b) (6) Privacy

Affiant's Signature

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16<sup>th</sup> day of Feb, 20

[Signature]  
Notary Public

10-30-17

My Commission Expires:

Page 1 of 1 Pages





# HOLY SMOKE

PSALM 106

589

30 Their land brought forth frogs in abundance, in the chambers of their kings.

31 He spake, and there came divers sorts of flies, and lice in all their coasts.

32 He gave them hail for rain, and flaming fire in their land.

33 He smote their vines also and their fig trees; and brake the trees of their coasts.

34 He spake, and the locusts came, and caterpillars, and that without number.

35 And did eat up all the herbs in their land, and devoured the fruit of their ground.

36 He smote also all the firstborn in their land, the chief of all their strength.

37 He brought them forth also with silver and gold: and there was not one feeble person among their tribes.

38 Egypt was glad when they departed: for the fear of them fell upon them.

39 He spread a cloud for a covering; and fire to give light in the night.

40 The people asked, and he brought quails, and satisfied them with the bread of heaven.

41 He opened the rock, and the waters gushed out;

they ran in the dry places like a river.

42 For he remembered his holy promise, and Abraham his servant.

43 And he brought forth his people with joy, and his chosen with gladness:

44 And gave them the lands of the heathen: and they inherited the labour of the people:

45 That they might observe his statutes, and keep his laws. Praise ye the LORD.

PSALM 106

PRAISE ye the LORD. O give thanks unto the LORD: for he is good: for his mercy endureth for ever.

2 Who can utter the mighty acts of the LORD? who can shew forth all his praise?

3 Blessed are they that keep judgment, and he that doeth righteousness at all times.

4 Remember me, O LORD, with the favour that thou bearest unto thy people: O visit me with thy salvation:

5 That I may see the good of thy chosen, that I may rejoice in the gladness of thy nation, that I may glory with thine inheritance.

6 We have sinned with our fathers, we have com-

BIBLE PAPER USED  
WITH INK ON PAPER

USED TOBACCO BUTTS  
PICKED UP FROM THE  
FLOORS AND GARBAGE

RE-ROLLED AND SMOKED.

TOILET PAPER WRAPPER



USED FOR CIGARETTE.  
PAPER

GREEN INK  
↓

SUPER STRONG ODOR!

EXHIBIT 'C'



# STATEMENT

(b) (6) Privacy

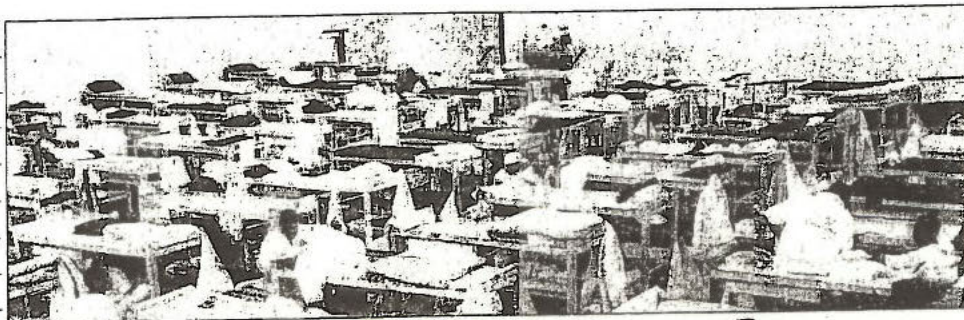
FEB. 7, 2015

Name of person making statement

A.I.S. #

Date

I declare that the following statement is made of my own free will and without any promise or hope of a reward or fear of threat of harm and without coercion and is based upon my personal knowledge of the facts stated herein.



300%  
OVER  
CAPACITY!

## Alabama needs reforms!

MORE THAN 95% OF ALABAMA'S PRISON INMATES DO NOT HAVE ACCESS TO EDUCATIONAL OR REHABILITATION - PROGRAMS. MANY INMATES SIT AROUND IDLE WITH NOTHING CONSTRUCTIVE OR POSITIVE TO DO. EVERY DAY INMATES ARE BUSY SODOMIZING EACH OTHER, TATTOOING EACH OTHER AND SHOOTING DOPE WITH HEPATITIS-C AND AIDS INFECTED NEEDLES, GAMBLING, DRINKING PRISON WHISKEY, AND A CHOSEN FEW ARE READING THEIR BIBLES PRAYING FOR THE END TO COME. MOST INMATES COME OUT OF THIS EVIL AND CORRUPT ALABAMA PRISON SYSTEM MUCH WORSE THAN WHEN THEY CAME INTO THE A.D.O.C. AND WITH NEW CRIMINAL SKILLS TO PUT TO USE. ALL OF THIS AND MANY MORE EGREGIOUS PROBLEMS HAVE EXISTED FOR DECADES WITHIN THE PRISON SYSTEM IN ALABAMA.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date Executed: FEB. 7, 2015

(b) (6) Privacy

Page 1 of 1 page(s)

Signature of Declarant



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

JAN 20 2016

**Return Receipt Requested**

Certified Mail #: 7009 2820 0002 1763 5293

**In Reply Refer to:**

EPA File No: 22X-15-R6

**(b) (6) Privacy**

Jesseville, Arkansas 71949

**Re: Acknowledgement of Receipt and Rejection of Administrative Complaint**

Dear **(b) (6) Privacy**

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received your complaint dated August 6, 2015, concerning Kurt Hogaboum and Village Villas Rentals' alleged failure to inspect your former residence and eliminate an infestation of bats. After careful review, the complaint is rejected and the case is closed as of the date of this letter as it does not meet the jurisdictional requirements in EPA's nondiscrimination regulation at 40 Code of Federal Regulations Part 7.

The OCR is responsible for processing and investigating complaints alleging discrimination by programs or activities that receive financial assistance from the EPA. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance, who has allegedly committed the discriminatory act.

Your complaint, however, does not describe an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Additionally, neither Kurt Hogaboum nor Village Villas Rentals are recipients of or applicants for any assistance from EPA; therefore, your complaint does not fall within the OCR's jurisdiction, and we cannot accept it for investigation.

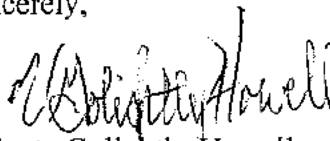
You may wish to contact the Hot Springs, Arkansas Nuisance Abatement Program regarding your concerns. The contact for this program is:



Detective Mike Brown  
Nuisance Abatement  
641 Malvern Avenue  
Hot Springs, Arkansas 71901  
Tel: (501) 321-6789 #6622

If you have any questions, please contact Jonathan Stein at (202) 564-2088, [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,



Velveta Golightly-Howell  
Director, EPA Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office

Samuel Coleman  
Deputy Regional Administrator  
U.S. EPA Region 6





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

February 2, 2016

**In Reply Refer to:**

EPA File No. 23U-15-R9

(b) (6) Privacy

Coldwell Banker Kappel Gateway Realty

(b) (6) Privacy

**Re: Acknowledgement of Receipt and Rejection of Electronic Correspondence**

Dear (b) (6) Privacy

This is to notify you that on August 14, 2015, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received your electronic correspondence dated August 12, 2015, concerning the indoor air quality threat posed by mold and poor air circulation in Room (b) (6) Privacy at the DoubleTree by Hilton in Sacramento, California. OCR construed your correspondence as a complaint. After careful consideration, the OCR has concluded that it cannot accept your complaint for investigation as the jurisdictional requirements are not satisfied.

The OCR is responsible for processing and investigating complaints alleging discrimination by programs or activities that receive financial assistance from the EPA. To be accepted for investigation, a complaint must meet jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance, which has allegedly committed the discriminatory act.

Your complaint does not describe an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Additionally, it does not attribute any wrongdoing to a recipient of, or current applicant for, EPA financial assistance. The DoubleTree by Hilton neither receives nor is it an applicant for EPA financial assistance. For the reasons stated, the OCR is rejecting your complaint because it fails to satisfy this jurisdictional criteria.

You may wish to contact the California Department of Public Health, Indoor Air Quality Section regarding your concerns on the indoor air quality of the DoubleTree by Hilton. Its contact information is:

CDPH Indoor Air Quality Section  
Chief Dr. Kazukiyo Kumagai  
850 Marina Bay Parkway (EHLB)  
Richmond, CA 94804-6403.  
[staff.caliaq@gmail.com](mailto:staff.caliaq@gmail.com)

If you have any questions about this correspondence, please contact Jonathan Stein by telephone at (202) 564-2088, by email at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office  
U.S. EPA

Alexis Strauss  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

March 17, 2016

**In Reply Refer to:**

EPA File No. 24U-15-R4

**(b) (6) Privacy**

**Re: Acknowledgement of Receipt, and Rejection of Electronic Correspondence**

Dear **(b) (6) Privacy**

This is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received your electronic correspondence on August 22, 2015, concerning Pipe Master's air conditioning installation procedures and potential Freon exposure or releases. After careful consideration, the OCR has concluded that it cannot accept the correspondence for investigation as a discrimination complaint because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulations at 40 Code of Federal Regulations Part 7.

The OCR is responsible for processing and investigating complaints alleging discrimination by programs or activities that receive financial assistance from the EPA. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act.

Your correspondence does not describe an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Additionally, it does not attribute any wrongdoing to a recipient of, or applicant for, EPA financial assistance. Information available to the OCR does not indicate that Pipe Master is a recipient of, or applicant for, financial assistance from the EPA. Therefore, the OCR is rejecting your correspondence as a complaint because it fails to satisfy the stated jurisdictional criteria.

If you have any questions about this correspondence, please contact Jonathan Stein of my staff by telephone at (202) 564-2088, by email at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail to U.S. EPA,

Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

A handwritten signature in black ink, appearing to read "Velveta Golightly-Howell".

Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office

Kenneth Lapierre  
Assistant Regional Administrator  
Deputy Civil Rights Official, U.S. EPA Region IV

Naima Halim-Chestnut  
Director  
Office of Civil Rights  
U.S. EPA Region 4

Nancy Tommelleo  
Office of Regional Counsel  
U.S. EPA Regional 4